

# City of Allentown Zoning Ordinance



Ordinance No. 14835  
Exhibit A

Adopted by City Council: 11/3/2010  
Effective: 11/15/2010

## *How to Use This Ordinance*

*This summary is intended to describe the best way to use this Ordinance. It is intended to be a user's guide, not part of the actual ordinance.*

The Zoning Ordinance is comprised of 17 articles, or sections, and the Official Zoning Map. While each article is an integral part of the ordinance, for most applications it may only be necessary to consult a few key sections. Here's how to use the ordinance.

### *Getting Started:*

- ✓ Turn to the **Table of Contents** and the **Index** (found at the beginning and end of the ordinance) to find the pages that apply to your particular situation.
- ✓ Review the **Zoning Map** or call the Zoning Office to determine the zoning district in which your property is located. The Zoning Map is available from the Zoning Office.
- ✓ Turn to **Article 1313, Uses Permitted by Zoning District**. This Article is comprised of a series of tables which indicate the uses permitted in each zoning district. The tables are organized by major land use category, such as residential, commercial, industrial, etc. An index of land uses is found at the beginning of this section to help in locating specific uses. These tables often refer to other regulations in the ordinance which certain uses must satisfy.
- ✓ A use may be permitted in two ways. The first is permitted "**by right**." In this case, if the application meets all of the specified requirements, a permit may be issued by the Zoning Office. The second is a use permitted by "**special exception**." In this case, the **Zoning Hearing Board** must approve the application after it has determined that all criteria for approval have been met.
- ✓ Look at **Article 1315, "Area, Yard and Building Requirements"**. This Article contains each of the specific lot area, setbacks, height, building coverage and other similar requirements that a new or expanded structure must meet in each zoning district. It also contains regulations for accessory structures (garages, sheds, etc.).
- ✓ **Article 1327, "Additional Requirements for Specific Uses"** contains additional requirements that certain uses must meet before they can be granted a permit. The tables contained in Article 1313 will typically indicate whether or not you must refer to this section.
- ✓ Do you want to erect a fence, construct a retaining wall, or have an unusually shaped lot that makes it difficult to apply the setback requirements of Article 1315? **Article 1311, "General Regulations and Exceptions"** is all you need.
- ✓ Refer to **Article 1303, "Definitions"** for definitions of terms you may not be familiar with, or that have a particular meaning for the purposes of the Zoning Ordinance.

*For more information:*

The previous sections of the ordinance are not the only Articles that may affect your application. Other ***“supplemental regulations”*** may apply such as parking, signs, buffering and landscaping as follows:

- ✓ Many uses must provide a minimum amount of off-street parking spaces. These requirements are found in ***Article 1321, “Off-Street Parking and Loading.”***
- ✓ If signs are proposed, ***Article 1319, “Signs”*** contains all of the various requirements related to the allowable number, size and location of signs.
- ✓ Certain uses that may cause a visual impact on a neighboring property are required to provide a landscaped buffer or screen according to ***Article 1323, “Buffer Yards and Other Landscaping.”***

### ***Some Other Things You Should Know:***

#### ***Variances***

As previously mentioned, permits may be granted one of two ways; either “by right” or by “special exception.” If a use is not specifically permitted by either of these means, or any of the related requirements of the ordinance cannot be met, then a permit cannot be issued. But what about those situations where certain unique circumstances make it difficult, if not impossible, to meet the requirements of the ordinance?

An applicant may seek relief from the requirements of the zoning ordinance by filing an application for a variance with the City of Allentown Zoning Hearing Board. ***Article 1307, “Zoning Hearing Board; Special Exception Procedures,”*** provides information on the process and the conditions by which the board may grant ***“variances”*** and hear other matters authorized by the ordinance and state law. Generally, the PA Municipalities Planning Code requires that an applicant prove that a “legal hardship” exists before the Zoning Hearing Board may grant relief in the form of a variance. ***Article 1307*** also provides additional circumstances that must be present for the hearing board to grant a variance. Please review these carefully and consider whether your situation is able to meet these conditions before filing an application.

#### ***Nonconformities***

If a lot, for example, is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Article 1313, that use is called a ***“Nonconforming Use.”*** The same applies to ***“Nonconforming Structures and Lots.”*** These are structures or lots that may not meet a particular requirement contained in this ordinance, such as a setback, parking, lot size, but were perfectly legal when initially built or established. In almost all cases, a lawful “nonconformity” can continue, can expand within certain limits, can change use, be sold and even be built upon. ***Article 1329, “Nonconformities”*** deals with all of these situations.

### ***Still Need to Know More?***

Zoning is a complex topic, especially in an older, diverse city such as Allentown where much of the building stock was constructed prior to the first Zoning Ordinance which was adopted in 1948. The staff

of the ***Zoning Office*** is available to answer any questions that you may have regarding the ordinance in general, or in helping you with your specific project. Feel free to call the office at ***610-437-7630***, or stop by their office in City Hall between ***8:00 a.m. and 4:30 p.m.*** In many cases, they can answer your questions right on the spot.

PART THIRTEEN

**ZONING ORDINANCE**

TITLE ONE OF THE CODIFIED ORDINANCES - ZONING

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**ARTICLE 1301**

**TITLE, OBJECTIVES, INTERPRETATION AND ENACTMENT**

1301.01	Short Title
1301.02	Statement of Community Objectives
1301.03	Interpretation and Conflict
1301.04	Terms Generally

**CROSS REFERENCES**

Purposes Under State Law - See Pa. Municipalities Planning Code §105, 604 and 606 (53 P.S. §10105, 10604 and 10606)

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**1301.01      SHORT TITLE.** This Title One shall be known and may be cited as “The Zoning Ordinance of the City of Allentown, Pennsylvania” or the “Allentown Zoning Ordinance.”

**1301.02      STATEMENT OF COMMUNITY OBJECTIVES.** This Zoning Ordinance is intended to serve the following community development objectives:

1. Encourage the most appropriate use of land;
2. Prevent the overcrowding of land;
3. Conserve the value of land and buildings;
4. Lessen the congestion of traffic on the roads;
5. Avoid undue congestion of population;
6. Provide for adequate light and air;
7. Secure safety from fire, flood and other dangers;
8. Facilitate adequate provision for transportation, water supply, sewage disposal, drainage, schools, parks and other public facilities;
9. Give reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses;
10. Give effect to the policies and proposals of the City of Allentown Comprehensive Plan as recommended by the Planning Commission and adopted by Council;
11. Serve purposes and objectives stated in the City of Allentown Comprehensive Plan;
12. Permit the efficient interaction of land use while providing for the optimum flow of traffic;
13. Provide for community facilities to serve the needs generated by the future land use pattern; and
14. Serve such other purposes for zoning as are authorized in the State Municipalities Planning Code, as amended.

**1301.03      INTERPRETATION AND CONFLICT.** In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals and/or general welfare. Wherever the requirements of this Zoning Ordinance are at variance with the requirements of any lawfully adopted rules, regulations or ordinances applicable to the City or with one another, the most restrictive upon uses, structures or other development, or that imposing the higher standards shall be controlling.

**1301.04 TERMS GENERALLY.** The present tense shall include the future, the singular number shall include the plural and the plural the singular. The word “shall” is always mandatory and the word “may” is permissive. The masculine shall include the feminine. The word “sale” includes “rental.”

**1301.05 ENACTMENT.** This Zoning Ordinance is hereby enacted and ordained, and shall take effect 20 days following its passage by Council and approval by the Mayor.

**ARTICLE 1303**  
**DEFINITIONS**

**CROSS REFERENCES**

Definitions in State Law - See State Municipalities Planning Code §107 (53 P.S. §10107)

Public Hearing and Notice - See State Municipalities Planning Code §610 (53 P.S. §10610)

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**1303.01 DEFINITIONS OF TERMS.** For the purposes of this Zoning Ordinance, the following terms shall be defined as stated below:

**Accessory Building, Structure or Use** means a building, structure, use or portion of a building structure or use customarily incidental or subordinate to the principal building structure or use and located on the same lot with such building, structure or use. An accessory structure attached to a principal structure, shall be regulated as part of the principal structure.

**Abut** means to have a common boundary or being along contiguous lot lines that are not separated by a street or alley.

**Adaptive Reuse** means the conversion of all or at least 75% of a principal building that was constructed for and used for principal commercial, institutional or industrial uses without any principal residential use into dwelling units. The conversion into dwelling units of a commercial storefront with a floor area of less than 5,000 square feet shall not be considered an "Adaptive Reuse".

**Adjacent** means being along lot lines that are contiguous or that are only separated by a street or alley.

**Adult Day Care Center** means a facility in which adult daily living services are simultaneously provided for 4 or more clients who are not relatives of the operator for part of a 24-hour day.

A. **Client** means a person 16 years of age or older who requires assistance to meet personal needs and perform activities of daily living.

**Adult Use** means the following uses: Adult Book Store, Adult Motion Picture Theater or Cabaret.

A. **Adult Book Store** means a commercial establishment having as a substantial or significant portion of its stock in trade, books, magazines, videotapes, computer software, photographs or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (see definitions below).

B. **Adult Motion Picture Theater** means an establishment used for presenting films, videotapes or similar images distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities" for observation by paying patrons therein.

C. **Cabaret** means a club, bar, tavern, theater, hall or similar place which features topless female or bottomless male or female dancers, entertainers or employees, strippers, simulated sex acts, live or actual sex acts, or similar entertainers or entertainment.



D. **Specified Anatomical Areas** mean less than completely and opaquely covered human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola.

E. **Specified Sexual Activities** mean:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and
3. Fondling or other erotic touching of human genitals, pubic region or female breast.

**Airport** means an area that is used for the landing and take-off of motorized aircraft that carry people, and related support facilities such as maintenance, refueling and parking. See also "Heliport."

**Allentown City Planning Commission, "Planning Commission" or "Commission"** mean the City of Allentown Planning Commission.

**Alley** means a public thoroughfare having a right-of-way width of 20 feet or less, regardless of how named.

**Amusement Arcade** means a structure, or portion of a structure, open to the public, which contains coin operated games and similar entertainment and amusement devices.

**Apartment** - See "Multi-Family" under "Dwellings."

**Art Gallery** – means an establishment engaged in the sale, loan, or display of original paintings, sculpture, or other works of art. This classification does not include libraries, museums, adult uses or tattoo parlors.

**Arterial Street** means a Public Street categorized by the City of Allentown Comprehensive Plan as an "Arterial Street."

**Auto Body Shop** means a facility where repairs to the frame or other structural parts of motor vehicles, spray painting, and repair or replacement of fenders and similar external portions of motor vehicles are conducted. An Auto Body Shop may also include other types of auto repairs.

**Auto Sales** means a use involving the sale or rental of operable motor vehicles, boats, trailers, recreational vehicles, boat trailers, trucks, construction vehicles or similar equipment. Auto Repair may occur as an accessory use.

**Automobile Wrecking** - see "Junkyard."

**Banquet Hall** means an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; and 2) the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public.

**Basement** means a portion of the building partly underground which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground. See definition of "Story."

**Bed and Breakfast Inn** means a building involving the rental of overnight sleeping accommodations for temporary visitors to the area, provides meals for overnight guests only and which does not routinely involve rental of accommodations for periods of more than 14 consecutive days.

**Betting Use** means a use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the "Small Games of Chance" provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property (such as "membership club").

**Block face** means that portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the block face parallel to the lot's front lot line.

**Bring Your Own Bottle Establishment (BYOB)** means a place of assembly or any other use defined in this ordinance, other than a dwelling unit, including but not limited to restaurants, taverns, clubs and social buildings, that is not licensed by the Pennsylvania Liquor Control Board, in which no intoxicating beverages are sold, but where patrons are permitted to bring intoxicating beverages upon the premises for their own use and consumption only.

**Building** means any structure in excess of 150 sq. ft. having a roof and enclosed sides and any unroofed platform, terrace or porch having a vertical face higher than 3 feet above the level of the ground from which the height of the building is measured. All buildings are structures, but only those structures that meet this definition shall be considered buildings.

**Building Coverage** means that percentage of the lot area which may be covered by all buildings as herein defined.

**Bus** means a motor vehicle other than a taxicab or limousine, designed to transport 16 or more passengers, including the driver. (14469 §1 02/22/07)

**Business or Commercial Districts** mean the B-1/R, B-2, B-3, B-4, and B-5 districts.

**Business Services** means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; and protective services.

**Car Wash** means a building or portion thereof where automobiles are cleaned mechanically, using a conveyor, sprayer, blower, steam-cleaning equipment or other device.

**Cellar** means a portion of a building partly underground which has less than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground; and not deemed a story.

**Cellular Telephone** means a system providing portable telephone service to specific subscribers. A cellular telephone may also be referred to as a wireless telephone.

**Certificate of Occupancy** means a certificate issued by code enforcement officials of the City of Allentown upon completion of construction or alteration of a building or upon approval of a change in occupancy or use of a building. See Section 1305.03.

**Certificate of Zoning Ordinance Compliance** means a certificate issued by the zoning officer acknowledging compliance with all requirements of the Zoning Ordinance, including but not limited to, variances granted by the Zoning Hearing Board, non-conforming rights of structures, land or uses, and all standards pertaining to height, bulk and setbacks.

**Check Cashing Business** means an establishment engaged primarily in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the loan. This term shall not include any of the following: a) a state or federally chartered bank, savings association, credit union, or industrial loan association, or b) a retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.

**Child Care** means care given to 4 or more children under 16 years of age, away from the child's own home, given for part of a 24-hour day, on a regular basis. Child care does not include care furnished in churches during religious services, care in public or private elementary junior high or high schools before, during or after hours of instruction, nursery schools, or care given by relatives. See definition of "Relative" in this Section.

- A. **Child Care Center** means a facility, other than a dwelling unit, in which child care is provided for 7 or more children at any one time. A child care center may be a customarily incidental accessory use to a place of employment, such as an office or manufacturing use, if care is primarily given to children of employees of the principal use.
- B. **Group Child Care Home** means a dwelling unit in which child care is provided simultaneously for 7 to 12 children who are not relatives of the caregiver, where the primary use of the child care areas is as a residence.
- C. **Family Child Care Home** means a dwelling unit in which child care is provided simultaneously for 4 to 6 children who are not relatives of the caregiver, where the primary use of the child care areas is as a residence.

**Church** - see "Place of Worship."

**City** means the City of Allentown.

**City Council or "Council"** means the City Council of the City of Allentown.

**College** means a post secondary educational institution authorized by the State of Pennsylvania to award associate, baccalaureate or higher degrees.

**Commercial Communications Antenna** means any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**Commercial Communications Tower** means a structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support commercial communications antennas.

**Commercial Vehicle** means a motor vehicle that is a Class V vehicle or above and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business, or in accomplishing physical work as part of a business (such as hauling material).

**Common Open Space** means land that is dedicated to and accepted by a government entity, or dedicated to a homeowner association or other responsible entity approved by the City for the purposes of active or passive recreation or nature conservation. Such land shall be open to responsible use by residents of the development and/or to the general public. Such land shall be permanently protected by a deed restriction and/or conservation easement in a form acceptable to the City to prevent such land from being developed, except for approved non-commercial recreation uses.

**Community Center** means a building used for recreational, social, educational and cultural activities owned and/or operated by a public or nonprofit group or agency. The use may also include the nonprofit preparation and provision of meals for senior citizens. Any residential uses or a "treatment center" shall only be permitted if they also comply with the requirements for such use.

**Community Garage** means a group of private garages, detached or under one roof, arranged in a row or around a common means of access, for the use of residents in the immediate vicinity.

**Comprehensive Plan** means the official City of Allentown Comprehensive Plan, as adopted by City Council, and as may be amended.

**Dormitory** means a building or portion thereof which contains living quarters for five or more students, staff or members of a college, university, primary or secondary boarding school, theological school, hospital, religious order or comparable organization, provided that such building is either owned or managed by such organization and contains not more than one cooking and eating area.

**Drive-In or Drive-Thru Use** means an establishment which provides for some or all customers to receive services, obtain food or other goods, or be entertained while remaining in their motor vehicles.

**Drug and Alcohol Rehabilitation Facility** means a facility which provides residentially based treatment and rehabilitation and/or out-patient services. The residentially based facility may include room and board, personal care, and intensive supervision and case work for no more than 30 patients. Both the residential and out-patient facilities may be included within a hospital, but are not a hospital or clinic as

defined in this Ordinance. The foregoing definition shall not be deemed to include a Veterans Treatment Center as defined in this Ordinance and any references in this Ordinance to a drug and alcohol rehabilitation facility shall not include any such Veterans Treatment Center.

**Dwelling Types** - "Dwelling Units" are residences categorized into the following dwelling types:

- A. **Single Family Detached Dwelling** means one "dwelling unit" in a detached building that has open yards on all sides.
- B. **Twin Dwelling** means one "dwelling unit" that is attached to a second "dwelling unit," provided that: a) the two dwelling units are completely separated by a vertical fire-resistant wall, b) one side yard is adjacent to each dwelling unit, and c) each dwelling unit has its own entrance/exit to the outside.
- C. **Rowhouse or Townhouse** means one "dwelling unit" that is attached to two or more other "dwelling units," provided that: a) each dwelling unit is completely separated from each other by vertical fire-resistant wall(s), b) one side yard is adjacent to each end dwelling unit, and c) each dwelling unit has its own entrance/exit to the outside.
- D. **Multi-Family Dwellings or Apartments** mean three or more "dwelling units" within a building that do not meet the definition of a "Rowhouse or Townhouse." For example, three or more units that are separated by floors as opposed to vertical walls shall be considered apartments.
- E. **Low-Rise Multi-Family Dwellings** mean Multi-Family Dwellings that involve 3 or less stories.
- F. **Mobile/Manufactured Home** means a type of Single Family Detached Dwelling that is constructed off-site in a manner that does not require a perimeter foundation, and which arrives at the site in one or two substantial pieces, and which is designed for permanent occupancy. A Mobile/Manufactured Home shall not include a "Sectional" Dwelling that is constructed to fully comply with all City Building Codes.
- G. **Two Family Dwelling** means two dwelling units within one building, but not including dwellings that meet the definition of a "Twin Dwelling." May also be referred to as a "duplex."

**Dwelling Unit** means a room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, and which is occupied by a maximum of one "family" living as a single common household.

**Efficiency Unit** means a dwelling unit providing a sleeping area in combination with one or more other living areas within the dwelling unit.

**Employees** means the highest number of full-time and part-time workers present on a lot at one time, other than clearly temporary persons working on physical improvements to the site. The term "employees" includes, but is not limited to, volunteers and contractors working on-site.

**Extremely Hazardous Substances** - Substances defined as, and in excess of the "threshold planning quantity" indicated for, Extremely Hazardous Substances in 40 Code of Federal Regulations Part 355, or its successor regulation.

**Facade** means the total wall surface, including door and window area, of a building's principal face. In the case of corner buildings which front on more than one street, only one face shall be used to calculate facade area.

**Fall Zone** means the area on the ground within a prescribed radius from the base of a commercial communications tower. The fall zone is the area within which there is a potential hazard from falling debris or the collapsing of the commercial communications tower. The fall zone shall be determined by the applicant's engineer and subject to the review and approval of the City Building Inspector.

**Family** means either one of the following:

- A. Any number of individuals living together on a non-transient basis as a single housekeeping unit doing their cooking on the premises, when the individuals are related by blood, marriage, or adoption, including any number of foster children, under the full-time care of resident parents or resident persons acting in loco parentis; or
- B. A maximum of 4 unrelated persons living together as a single housekeeping unit doing their cooking on the premises, without any additional boarders.

**Fence** means an artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected for the enclosure of areas.

**Flood Plain** means the relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. See the definitions of terms in Article 1393 of the Codified Ordinances of the City of Allentown entitled "Flood Control."

**Floor Area** means the total horizontal areas of the floors of a building, measured inside exterior building walls or party walls separating two buildings. Floor area shall not include vehicle garages, loading space for motor vehicles, uninhabited basement storage areas, unenclosed porches, air shafts, common mechanical equipment rooms, cellars or any space where the ceiling height is less than 6.5 feet.

- A. **Habitable Floor Area** means the "Floor Area" of a dwelling unit or other rental unit which is enclosed, heated and usable for human occupancy. Common stairwells, common hallways and elevator shafts shall not be included within Habitable Floor Area.

**Floor Area Ratio** means the total "Floor Area" of all buildings on a lot divided by the lot area as shown on the following illustration:

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Total Floor Area}}{\text{Total Lot Area}}$$

**Fraternity or Sorority House** means a building designed or arranged for occupancy by an incorporated nonprofit organization of full-time students of an accredited college or university.

**Garage** - See "Private Garage."

**Gasoline Station** means an establishment servicing motor vehicles with fuel, supplies, accessories and minor repairs, but not including the storage, sale or major repair of motor vehicles such as, but not limited to, motor replacement, body and fender repair or spray painting.

**Government Offices and Structures** means the offices of any department, independent agency or instrumentality of the United States, State of Pennsylvania, County of Lehigh, or City of Allentown.

**Governmental** means owned or operated by City, County, State or Federal governmental agencies or a City authority.

**Group Home** means residential clients and attendant (24 hours or less) staff, living together in a dwelling unit and functioning as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing organization and stability. The resident clients of a group home must be limited to persons who need specialized housing because of age, disability or illness, and may include, but not necessarily limited to children, the mentally or physically handicapped and elderly, but shall not include drug and alcohol rehabilitation facilities, or adult pre-release correctional facilities such as work release, halfway houses or similar uses.

- A. **Small Group Home** has five or six resident clients. Any number of resident clients less than five is to be considered a "family."
- B. **Large Group Home** has seven or more resident clients, up to a maximum of 12 resident clients.

**Habitable Floor Area** - See under "Floor Area."

**Halfway House** means a residential facility housing a maximum of 15 persons who receive therapy and counseling under the supervision and constraints of alternatives to imprisonment, such as, but not limited to, pre-release, work release, restitution, or probationary programs or a non-residential facility involving similar types of programs.

**Handicapped** means (1) a physical or mental impairment which substantially limits one or more of such person's major life activities, and (2) a record of having such an impairment, but does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

**Height of Building** means the vertical distance measured from the average ground level at the front of the building to the extreme high point of the building exclusive of chimneys, parapets and similar fixtures.

**Height of Tower** means the overall height of the tower from the base of the tower to the highest point of the tower, including, but not limited to, antennas, transmitters, satellite dishes or any other structures affixed to or otherwise placed on the tower. If the base of the tower is not on ground level, the height of the tower shall include the base of the building or structure to which the tower is attached.

**Heliport** means an area that is used for the landing and take-off of helicopters and includes some or all of the auxiliary facilities useful to helicopter operations such as helicopter parking, fueling and maintenance equipment.

**Helistop** means an area that is used for the landing and take-off of helicopters. Such term may include the parking of a helicopter. However, such term shall not include the fueling or repair of helicopters, which are intended to occur at an airport.

**Historic Building(s), Area(s) or Site(s)** means any building, area, or site that is: (a) listed individually on the National Register of Historic Places (a listing maintained by the United States Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for

individual listing on the National Register; or (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

**Home Occupation** means a routine and customary non-residential use conducted within or administered from a portion of a dwelling, which is: a) clearly accessory to the residential use, b) primarily conducted by resident(s) of the dwelling, and c) meets the standards of Section 1327. Home occupations may include, but are not limited to, creation of handicrafts, individualized instruction such as in music or tutoring, computer data-inputting, accessory home offices, and dressmaking, but shall not include contract sewing, photo studios, personal services, music, dance or business school or school of any kind with organized classes, or similar activities. A "Home Occupation" also includes activities meeting the definition and requirements of a "No Impact Home Based Business" pursuant to the Pennsylvania Municipalities Planning Code as amended.

**Hospital** means an institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities, or training facilities. For the purposes of this Ordinance, the term "hospital" shall not include a use that primarily involves drug and alcohol treatment, although such activity may occur as an accessory use incorporated within a general hospital building

**Hotel or Motel** means an establishment where the public may obtain, for monetary compensation, sleeping accommodations, and which primarily serves transient visitors to the area for stays of customarily 30 days or less. A Hotel or Motel may also include restaurant(s), meeting facilities, an accessory tavern, and a dwelling unit for the manager of the hotel. A Hotel or Motel may also include dwelling units if all of the requirements for such uses are also met.

**Industrial District** means the B/LI, I-2, and I-3 districts.

**Institution or Residence for Children, the Aged, or the Handicapped** means a group residential facility that provides supportive services and treatment as well as residence or more than 12 unrelated persons including but not limited to children, juvenile delinquents, the mentally or physically handicapped and elderly, but not including drug and alcohol treatment or rehabilitation facilities, or adult pre-release correctional facilities such as work release, halfway houses or similar uses.

**Intoxicating Beverages** means any and all beverages, including malt beverages which contain alcohol, liquor or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code 47 P.S. ' 1-101, et seq.

**Junk and/or Scrap Yard** means any area and/or structure used or intended to be used for the conducting and operating of the business of selling, buying, storing or trading in used or discarded metal, glass, paper, cordage or any used or disabled fixtures, vehicles or equipment of any kind. Such operation may include the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.



**Kennel** means a place, including a dwelling unit, in which more than six (6) dogs or domesticated animals more than four months old are housed, bred, boarded, or sold. This term shall not include: a) the routine keeping of animals within a veterinary office while undergoing recuperation, or b) a permitted retail pet store.

**Live Work Unit or Live Work Space** means a dwelling unit or other space within a building that is used jointly for residential and non-residential purposes that typically exceed those of a home occupation use pursuant to the regulations contained herein.

**Lot** means a designated parcel, tract or area of land established by plot, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

**Lot Area** means the total area within the lot lines of a lot expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

**Lot, Corner** means a parcel of land at the junction of and fronting on 2 or more intersecting streets.

**Lot Coverage** - See "Building Coverage."

**Lot Frontage** means a property line or portion thereof which is co-existent with a street right-of-way line. In the case of a street of undefined width, the property line shall be assumed to parallel the center line of the street at a distance 25 feet therefrom.

**Lot Line** - See "Property Line."

**Lot, Through or Double Frontage** means a lot having its front and rear yards each abutting on a street as defined herein.

**Lot Width** means the horizontal distance between the side property lines measured at right angles to its depth, and at a point which constitutes the rear line of the required front yard space.

**Low Rise Multi-Family** - See under "Dwelling."

**Manufactured Home** - See under "Dwelling."

**Manufactured/ Mobile Home Park** means a lot under single ownership which includes 3 or more "manufactured/mobile homes" for residential use.

**Manufacturing** means the treatment or processing of raw products, and the production of articles or finished products from raw or prepared materials by giving them new forms or qualities.

**Massage Establishment** means a commercial use where manipulative exercises are conducted in return for financial compensation upon one person by another person. Such use shall meet all of the requirements of Article 1157 of the Codified Ordinances for a "Massage Establishment."

**Membership Club** means a building to house a club or social organization not conducted for private profit and which is not an adjunct to or operated by or in connection with a public tavern, café or other public place.

**Mobile Home Park** - See “Manufactured Home Park.”

**Motel** - See “Hotel or Motel.”

**Multi-Family Dwelling** - see under “Dwelling.”

**Municipalities Planning Code** means the Pennsylvania Municipalities Planning Code, as amended.

**Nonconforming Lot** means a lot of record that existed with a lawful lot area or lot width prior to the adoption date of this Ordinance or amendment, but which lot area or lot width fails to conform to the current required minimum lot area and/or lot width for the applicable zoning district.

**Nonconforming Structure** means a structure, or part of a structure that does not comply with the applicable yards or other dimensional or bulk provisions in this Ordinance as amended, where such structure lawfully existed prior to the enactment of this Ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**Nonconforming Use** means a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

**Non-Residential District** means a zoning district other than a “Residential District.”

**Nursing Home** means a facility licensed by the State of Pennsylvania as a “Nursing Home” and which provides residential accommodations and health care to persons who, by reason or advanced age, chronic illness, accident or infirmity, are unable to care for themselves. The term does not include drug and alcohol rehabilitation facilities as defined by this ordinance.

**Office** means a room or group of rooms used for conducting the affairs of a business, professional service, industry or government.

**Open Porch** means a roofed structure, open on 3 sides, and having no enclosed features of glass, wood or other material more than 36 inches above the floor thereof, except for transparent mesh screening and necessary roof supports. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

**Open Space** means an unoccupied space open to the sky on the same lot with a principal and/or accessory structure.

**Ordinance** means the City of Allentown Zoning Ordinance.

**Outdoor Storage** means the storage of goods, products, materials, vehicles not in service, equipment and similar items in an unenclosed area for preservation, later use, or disposal. For purposes of this ordinance, this definition does not include the storage of trucks and/or tractor trailers unless as accessory to another permitted principal use.

**Parking Space** means a designated indoor or outdoor space meeting City requirements that is intended to accommodate one motor vehicle.

**Party Wall** means a vertical wall built between and to support contiguous buildings.

**Pawn Shop** means an establishment engaged in retail sales of secondhand merchandise and that offers personal loans secured by consumer goods, jewelry and other personal property held by the Pawn Shop.

**Personal Care Center** means a facility which provides, on a regular basis, housing, limited health care and specialized assistance with daily living to individuals who do not need care within a hospital or nursing home, but who need such care because of their advanced age, physical or mental handicap or illness. The term Personal Care Center shall only include facilities licensed as such or an Assisted Living Facility by the Pennsylvania Department of Public Welfare or its successor agency.

**Personal Services** means an establishment that provides a service oriented to the personal needs of the general public, and which is not primarily a retail or wholesales sales business. Personal services include, but are not limited to: haircutting/hairstyling, shoe repair, nail salons, and closely similar uses. An Adult Use shall not be considered to be "Personal Services."

**Pigeon Coop** means a cage or small enclosure for the purpose of housing pigeons.

**Place of Worship** means a building or group of buildings including customary accessory buildings designed or intended for public worship by 10 or more persons at one time. For the purpose of this Ordinance, "Place of Worship" includes churches, chapels, cathedrals, temples, mosques and similar designations as well as accessory residential uses permitted under Article 1327.

**Plan, Certified** means a plan prepared by a State-licensed and registered professional engineer, architect, landscape architect or surveyor. All certifications shall meet applicable state laws.

**Planning Commission** - See "Allentown City Planning Commission."

**Preliminary Opinion** means a written review and opinion given by a zoning officer as provided in Section 1305.02 of this Ordinance.

**Principal Structure or Use** means a structure or use in which is conducted the main or principal use of the lot on which such structure or use is located.

**Private Garage** means a building that is accessory to a principal dwelling(s) and is used primarily for the parking of a maximum of three motor vehicles. Such a garage shall not be used for business purposes, unless specifically approved for such purposes, nor shall any repairs be made to motor vehicles within the

garage other than to those vehicles registered to the property owner or lessee of any dwelling located on the property. Such a garage may be used for the parking of a maximum of one commercial vehicle, which shall be operated by a resident of the lot. See Section 1315.04.

**Property Line or Lot Line** means a line forming the front, rear or side boundaries of a lot or parcel of property as described in the recorded deed.

**Public Notice** means notice required under the State Municipalities Planning Code. (Note: As of the date of adoption of this Ordinance, such notice was required to be given not more than 30 days in the case of the first publication, and not less than 7 days in the case of the second publication in advance of any public hearing required by this Zoning Ordinance. Such notice shall be published once each week for 2 successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.)

**Public Utility Transmission Tower** means a structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

**Recycling Center, Bulk** means a use involving the bulk separation and/or processing of types of waste materials found in the typical household for some productive reuse, but which does not involve: highly hazardous or toxic substances, incineration, putrescent waste or a junkyard. Waste materials shall be stored only for the short term and shall be transported from the site on a regular basis.

**Relative** means spouse, parent, guardian, child, grandparent, grandchild, great grandparent, great grandchild, stepparent, stepchild, stepbrother, stepsister, brother, sister, half brother, half sister, aunt, uncle, niece, nephew.

**Repair Garage** means a facility other than a private garage, which is used for the storage, servicing and repair of automobiles or other motor vehicles, which may also include the supplying of oil, gasoline, and similar fuels. Such use may only include Auto Sales if the requirements for such use are also met.

**Residential Conversion** means to increase the number of dwelling units within an existing residential or mixed use building consisting of three or less dwelling units.

**Residential District** means the RSO, RLC, RL, RML, RMLP, RM, RMP, RMH and RH districts.

**Restaurant** means any establishment, however designated, at which ready-to-eat food and beverages are sold, and at least a portion is consumed on the premises. A facility that primarily involves off-site delivery of ready-to-eat food shall also be considered a restaurant. A snack bar at a public or community playground, playfield, golf course, park or swimming pool operated solely by the agency or group operating the recreational facilities, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant. A restaurant may include the sale of alcohol, but if it meets the definition of a "Tavern" then the requirements for a Tavern shall also be met.

**Restaurant, Drive-In or Drive-Thru** means a restaurant where at least a portion of patrons order and are served food and non-alcoholic drinks while seated in their vehicles for consumption outside the confines of the principal building or in vehicles parked upon the premises.

**Restaurant, Take-Out** means any establishment that primarily serves ready to eat food and/or beverages for consumption off the premises.

**Retail Use**, means an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. A retail store may include the creation of custom crafts, such as jewelry or leather items, as an accessory use.

**Rooming House and/or Boarding House** means a building where lodging is provided with or without meals for 3 or more persons as their primary residence who are not members of the operator's family, and for compensation, whether direct or indirect. This term shall not include lawful dwelling units that are each occupied by one "family", nor shall it include nursing homes or personal care centers; fraternities; sororities; or dormitories.

**Rowhouse** - See under "Dwelling."

**Sale** means purchase or rental of goods, or provision of services, in return for monetary compensation.

**School, Elementary** means any public or private institution of learning licensed by the State of Pennsylvania and which meets the state requirements for elementary education.

**School, Secondary** means any public or private institution of learning licensed by the State of Pennsylvania and which is authorized to award diplomas for secondary education.

**School, Vocational or Trade** means a secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade meeting the state requirements as a vocational facility.

**Semi-Detached Dwelling or Twin Dwelling** - See under "Dwelling."

**Setback Line** means the line beyond which structures may not be erected.

**Shopping Center** means a building including 5 or more distinct retail sales and/or personal service establishments or other permitted uses that are entirely separated from each other by vertical walls from floor to ceiling and have their own independent access. A lot including a Shopping Center may also include permitted detached buildings occupied by permitted uses.

**Sign** - See Section 1319.01.

**Single Family Detached Dwelling** - See under "Dwelling."

**Solid Waste Transfer Facility** means land and/or structures where solid waste is received and temporarily stored at a location other than the site where the waste was generated, and which facilitates

the bulk transfer of accumulated solid waste to a different site for disposal. A Transfer Facility may also include separation and/or processing of recyclables.

**Sorority House** - See "Fraternity or Sorority House."

**Special Exception** means a use which by virtue of its own peculiar characteristics may be permitted in particular areas only after review, hearing and approval by the Zoning Hearing Board.

**Stadium** means a large open or enclosed structure used for games and major events and partly or completely surrounded by tiers of seats for spectators.

**State** means the Commonwealth of Pennsylvania, and its governmental agencies.

**Story** means that part of a structure included between any floor and the floor or roof next above and which has an interior height of at least 7.5 feet. When regulating the maximum height of buildings, the term "story" shall not include a basement if the basement is not designed for living quarters and if the floor thereof is more than 4 feet below the average ground level at the front of the building. Story shall not include an attic not designed for living quarters.

**Street** means a thoroughfare publicly or privately owned, open to general public use and having a right-of-way width of more than 20 feet.

**Streetscape** means the overall appearance of a block along a public street, including yards visible from a public street, the relationship of building setbacks and bulk, the consistency of architectural styles or features, the spacing and shapes of windows and doors and rooflines and similar features that give the block its distinctive visual character.

**Street Line** means the right-of-way or established property line of a street as indicated by dedication or by deed of record.

**Structures** means anything constructed or erected, which requires its permanent location on or below the ground, or which is permanently attached to something having permanent location upon the ground. Fixed or movable awnings shall not by themselves be considered a structure for the purposes of this Ordinance. See also definition of "Buildings."

**Student Residence** means a living arrangement consisting of three or four full-time or part-time students living in a dwelling unit, one or more of whom are unrelated by blood, marriage or adoption, and who:

- a) attend undergraduate colleges or universities,
- b) attend graduate programs at colleges or universities,
- c) are on a semester or summer break from studies at colleges or universities, or
- d) any combination of such persons.

The residents of a Student Residence shall live in a dwelling unit as a single housekeeping unit, doing their cooking on the premises. A Student Residence shall not include dormitories, fraternities or sororities. The Student Residence living arrangement shall only be regulated within the Student Residence Overlay District. In all other districts where three or four unrelated students live together, the definition of "Family" shall prevail.

**Tavern** means an establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages are served or sold as accessory to the primary use.

**Temporary Shelter** means a facility operated by a nonprofit agency providing temporary housing, with or without meals, for individuals and/or families displaced from their habitual residences as a result of sudden catastrophe (such as fire, flood, domestic violence, condemnation, court ordered eviction, or other urgent event) or homelessness.

**Theater, Drive-In** means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in vehicles or outdoor seats.

**Total Area of the Tract** means the total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The Total Area of the Tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space.

**Townhouse** - see under "Dwelling."

**Tractor** means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicles and load so drawn.

**Tractor Trailer** means every vehicle, wagon or truck without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a tractor as defined by this ordinance.

**Trucking Terminal** means an area and/or building where trucks load and unload materials on a regular basis, or where tractor trailers are transferred from one tractor cab to another for the purpose of continuation to another destination, or where trucks or tractors or tractor trailers are stored, parked or waiting for dispatch.

**Twin Dwelling** - see under "Dwelling."

**Two-Family Dwelling or Duplex Dwelling** - see under "Dwelling."

**University** - see under "College."

**Use** means the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

**Veterans Treatment Center** means a facility which provides residentially based treatment and rehabilitation and/or out-patient services for veterans and veterans' family members. The residentially based facility may include room and board, personal care, and intensive supervision, including but not limited to treatment for drug and alcohol abuse, Co-Occurring Disorders ("PTSD"), family education and intervention, education, and mentoring programs and case work for no more than 60 patients. Both the

residential and out-patient facilities may be included within a hospital, but are not a hospital or clinic as defined in this Ordinance. For purposes of this definition, a “veteran” means an individual who has served in the armed forces of the United States and any reserve component thereof.

**Visitor's Center** means a facility providing educational and informational exhibits and materials to visitors to the area, and which may include accessory retail sales of books, souvenirs and similar items.

**Warehouse** means a building used primarily for the storage of goods and materials.

**Wholesale use** means an establishment or place of business primarily engaged in selling merchandise to retailers and industrial, commercial, institutional or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Yard, Front (required)** means an area extending along the full length of a front lot line wholly between side lot lines and back to a line drawn parallel to the front lot line at a certain distance from the front lot line. The minimum front yard requirements of this Ordinance specify a minimum measurement (setback) from the front lot line within which the location of structures is restricted.

**Yard, Rear (required)** means an area extending along the full length of a rear lot line wholly between side lot lines and back to a line drawn parallel to the rear lot line at a certain distance from the rear lot line. The minimum rear yard requirements of this Ordinance specify a minimum measurement (setback) from the rear lot line within which the location of structures is restricted.

**Yard, Side (required)** means an area extending from the front setback line to the rear setback line along a side lot line and back to a line drawn parallel to the side lot line at a certain distance from each side lot line. The side yard does not include areas within a required front yard or rear yard. The minimum side yard requirements of this Ordinance specify a minimum measurement (setback) from each side lot line within which the location of structures is restricted.

**Yard Sale** means all general sales, open to the public, conducted from a residential property in any zoning district, for the purpose of disposing of household items including, but not limited to, all sales entitled “garage”, “lawn”, “yard”, “attic”, “porch”, “room”, “basement”, “auction”, “backyard”, “patio”, “flea market”, “rummage” or “moving” sale.

**Zoning Hearing Board** means the Zoning Hearing Board of the City of Allentown, known also as the Board.

**Zoning Officer** means the Zoning Supervisor and any assistants authorized to administer and enforce this Ordinance.

**Zoning Ordinance** means Ordinance No. 14835, passed November 3, 2010, as amended, which is codified as Title One of this Part Thirteen - Zoning Code.



**Zoning Permit** means a permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Zoning Ordinance for the district in which it is located or is to be located.

**ARTICLE 1305  
ADMINISTRATION AND PENALTIES**

1305.01	Zoning Officer; Enforcement; Notice of Violations
1305.02	Zoning and Building Permits
1305.03	Certificates of Occupancy and Zoning Ordinance Compliance
1305.04	Amendments to this Ordinance
1305.05	Content of Public Notice for Amendments
1305.06	Amendment Publication after Enactment
1305.07	Severability
1305.08	Effect on Other Ordinances
1305.09	Penalties

**CROSS REFERENCES TO PA. MUNICIPALITIES PLANNING CODE ("PMPC")**

Appointment and Powers of Zoning Administrator - See PMPC Section 614 (53 P.S. §10614)

Enforcement Penalty and Remedy - See PMPC Sections 616 and 617 (53 P.S. §10616 & §10617)

Appeals from Zoning Officer - See PMPC Section 909 (53 P.S. §10909)

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**1305.01      ZONING OFFICER; ENFORCEMENT; NOTICE OF VIOLATIONS**

- A. The provisions of this Zoning Ordinance shall be enforced by the Zoning Supervisor, and Zoning Officers. For purposes of this ordinance, the term "Zoning Officer" shall apply to both positions.
- B. It shall be the duty of the Zoning Officer to keep a record of all applications for permits and a record of all permits issued, with a notation of all special conditions involved. All plans and documents filed in connection with any application shall become part of the record of the zoning office.
- C. If the Zoning Officer finds that any of the provisions of this Zoning Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. An Enforcement Notice shall be provided meeting the requirements for such notice as are stated in the Municipalities Planning Code. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

**1305.02      ZONING AND BUILDING PERMITS; TIME LIMITATIONS**

- A. Zoning Permits.
  - 1. Permit Required. A Zoning Permit shall be required from the Zoning Officer prior to any of the following:

- a. the initiation of a new or expanded use of land or structures or the development of new or expanded outdoor storage and display, parking and/or loading docks,
    - b. the construction, expansion or placement of any structure or part of structure thereof,
    - c. the construction, extension or placement of any stationary sign, "portable sign" or billboard, other than signs specifically exempted by this Ordinance from permit requirements.
  2. Application. All requests for zoning permits shall be made in writing by the owner or by his/her authorized agent on forms supplied by the Zoning Officer. When determined to be necessary by the Zoning Officer, the application shall be accompanied by a certified plan drawn to scale, showing the proposed structures and uses in their exact location, in relation to lot and street lines.
  3. Compliance. No zoning permit shall be issued for any conversion, addition or alteration or change in use of any existing structure unless that structure meets all requirements of this Ordinance.
  4. Preliminary Opinion of Zoning Officer. The provisions of the Municipalities Planning Code shall apply. (Note - As of the adoption date of this Ordinance, such provisions were within Section 916.2 of such Act.)
    - a. Fees. All persons requesting a preliminary opinion of the Zoning Officer shall be subject to the payment of a reasonable fee, to be established pursuant to the provisions of the City's Administrative Code, to cover the costs of preparing and publishing an advertisement as required by the Municipalities Planning Code.
- B. Building Permits. Building permits shall be secured from the Building Inspector prior to starting any construction, erection or alteration of any building, structure, street sign or billboard, but such building permits shall be issued only after receipt by the Building Inspector of a copy of the required zoning permit. Display of the building permit on the premises, as required by the Building Code, shall serve the purpose of the zoning permit on the construction.
- C. Time Limits on Permits, Variances and Approvals. A zoning permit for a use, structure or sign and any related decision of the Zoning Hearing Board shall only remain valid if:
1. required City permits are issued and work is actively initiated within 12 months after the date of issuance of the zoning permit or Board decision; and
  2. all construction work is completed and the use is established within 24 months after the date of issuance of the zoning permit or Board decision.
- D. Notice of Starting Work. The Zoning Officer shall be given at least 24 hours notice by the owner or applicant prior to commencement of work at the site under zoning or building permits. In the case of construction of a new building or building addition, the Zoning Officer shall be given notice at least 24 hours before footings are constructed.

**1305.03 CERTIFICATES OF OCCUPANCY AND ZONING ORDINANCE COMPLIANCE**

- A. If a Certificate of Occupancy is required under another City code or ordinance, and if the activity involves a new building or change in the type of use, then a signature shall be required by the Zoning Officer on the Certificate of Occupancy prior to occupancy of the building or affected portion thereof. Such signature is intended to show that such building or use complies with this Ordinance, to the best knowledge of the Zoning Officer.
- B. Upon request, a Certificate of Zoning Ordinance Compliance may be issued by the Zoning Officer certifying that an existing building, structure or use complies with all applicable provisions of the Zoning Ordinance and/or decisions of the Zoning Hearing Board. The City may require a fee for the issuance of such a certificate, said fee to be established in accord with the provisions of the City's Administrative Code.

**1305.04 AMENDMENTS TO THIS ORDINANCE.**

- A. Amendments. The regulations, restrictions and the classification of buildings, structures and land and the manner of establishing the boundaries of districts, contained in this Zoning Ordinance, may from time to time and after public notice and hearing, be amended, supplemented or changed by City Council. The procedural requirements of the Municipalities Planning Code shall be met.
- B. Hearing and Review. Before voting on the enactment of an amendment, Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the planning agency, Council shall submit each such amendment to the Allentown City Planning Commission and the Lehigh Valley Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- C. Revisions After Hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised, to include land previously not affected by it, Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- D. Vote. An affirmative vote of at least 4 members of Council shall be required to pass the proposed amendment, supplement or change.

**1305.05 CONTENT OF PUBLIC NOTICE FOR AMENDMENTS**

- A. Legal Ad. Public notices of proposed amendments shall include either the full text thereof or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the City where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.
- B. Posting. If a proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the City at points deemed sufficient by the

Zoning Officer along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

**1305.06 AMENDMENT PUBLICATION AFTER ENACTMENT.** After enactment, if the advertisement of an amendment is required by other laws respecting the advertisement of ordinances, such advertisement may consist solely of a reference to the place or places within the City where copies of such ordinance or amendment shall be obtainable for a charge not greater than the cost of reproduction thereof and available for examination without charge. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

**1305.07 SEVERABILITY.** If any part of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the Zoning Ordinance, which shall remain in effect. City Council declares that it would have passed the Zoning Ordinance and each section and subsection thereof, except the part declared unconstitutional or invalid, if it had knowledge that such part would be declared unconstitutional or invalid.

**1305.08 EFFECT ON OTHER ORDINANCES.** No provision of this Ordinance shall be interpreted as superseding any greater restriction or regulation contained in any other ordinance of the City.

**1305.09 PENALTIES**

- A. Actions for Compliance. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Ordinance, the Zoning Officer of the City, in addition to other remedies, may institute in the names of the City any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.
- B. Penalties. Any person, partnership or corporation who or which violates the provisions of this Zoning Ordinance, or a prior City of Allentown Zoning Ordinance then in effect, shall, upon being found liable in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500.00 Dollars plus all court costs, plus reasonable attorney fees incurred by the City. Each day that a violation is continued shall constitute a separate offense.
- C. See Section 1305.01.C. of this Ordinance concerning Notice of Violations.

**ARTICLE 1307**  
**ZONING HEARING BOARD; SPECIAL EXCEPTION PROCEDURES**

1307.01	Establishment; Composition; Meetings and Decisions; Alternate Board; Compensation
1307.02	Jurisdiction
1307.03	Variances and Special Exceptions
1307.04	Appeals; Procedure; Notice and Hearing
1307.05	Content of Public Notice for Appeals and Special Exceptions
1307.06	Fee for Appeals
1307.07	Petition of Appeal to Court
1307.08	Temporary Permits
1307.09	Cancellation of Board Permit
1307.10	Special Exception Procedures

**CROSS REFERENCES**

Creation, Functions and Membership - See Municipalities Planning Code (PMPC) §901 et seq. (53 P.S. §10901 et seq.)  
Variances - See PMPC §912 (53 P.S. §10912)  
Special Exceptions - See PMPC §913 (53 P.S. §10913)  
Zoning Appeals - See PMPC §1001 et seq. (53 P.S. §11001 et seq.)

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**1307.01      ESTABLISHMENT; MEETINGS; DECISIONS; ALTERNATE MEMBERS; COMPENSATION**

- A.    Establishment - There is authorized, to be appointed by the Mayor, with the advice and consent of City Council, a Zoning Hearing Board consisting of 3 members. The present members of the Board shall continue in office until their terms expire. Thereafter their successors shall be appointed by the Mayor, with the advice and consent of Council, on the expiration of their respective terms, to serve for 3 years.
1.    City Council may remove any member for just cause, after a public hearing. Vacancies shall be filled by appointment of the Mayor, with the advice and consent of Council for the unexpired term of any member whose place becomes vacant.
  2.    The Board shall elect its own officers and formulate its own rules of procedure within the confines of the Zoning Ordinance.
- B.    Meetings - Meetings of the Board shall be at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or in his/her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact. The Board shall keep records of its examinations and other official actions.

1. Every rule or regulation, every amendment or appeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the Zoning Office and shall be a public record.
- C. Time Limits. See Section 1305.02.C.
- D. Alternate Members - There is created, to be appointed by the Mayor, with the advice and consent of Council, a list of alternate members of the Zoning Hearing Board consisting of 3 members who shall perform the duties of a regular member of the Zoning Hearing Board, when it is found that regular members of the Board cannot perform due to absence or disqualification and a quorum is not reached, or as otherwise provided by the Municipalities Planning Code. Each alternate member shall be appointed for a term of three years.
  1. The chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum, or as is otherwise provided under State law.
  2. Any alternate members of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- E. Compensation - Each member of the Zoning Hearing Board shall be compensated the sum of thirty-five dollars (\$35.00) for attendance at each officially convened hearing of the Board, unless such compensation is revised by resolution of City Council. Said compensation shall apply to regular and alternate members. Compensation shall be paid monthly by the City, upon receipt of certificates from the Secretary of the Hearing Board setting forth the date or dates the Board was in session, including the names of those members of the Board actually present at the times indicated in said certificates.

**1307.02 JURISDICTION.** The Zoning Hearing Board shall have jurisdiction to hear and render decisions in the following matters:

- A. Substantive challenges to the validity of the Ordinance, except those brought before the Council pursuant to sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code.
- B. Challenges to the validity of the Zoning Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of the Ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the permit application, and the issuance of any cease and desist order.
- D. Appeals from a determination by the City Engineer or the Building Officer with reference to the administration of the Flood Control Ordinance.

- E. Applications for variances from the terms of the Zoning Ordinance and Flood Control Ordinance.
- F. Applications for special exceptions under the Zoning Ordinance or Flood Control Ordinance pursuant to section 912.1 of the Municipalities Planning Code.
- G. Appeals from the Zoning Officer's determination under section 1305.02.
- H. Appeals from the determination of the Zoning Officer or City Engineer in the administration of the Zoning or Land Development Ordinance with reference to sedimentation and erosion control and storm water management insofar as the same relate to development applications not involving Article V or VII of the State Municipalities Planning Code.

**1307.03 VARIANCES AND SPECIAL EXCEPTIONS.** The Zoning Hearing Board shall serve the following functions:

A. Variances

1. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
  - a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
  - b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
  - c) That such unnecessary hardship has not been created by the appellant;
  - d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
  - e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of the Zoning Ordinance.



- B. Special Exceptions. The Board shall hear and decide requests for special exceptions in accordance with standards and criteria as found in Section 1307.10 of this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
- C. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant special exception approval allowing modifications to specific requirements of this Ordinance when the applicant proves to the satisfaction of the Zoning Hearing Board that:
  - 1. Such modifications are necessary to provide a “reasonable accommodation” required by the Americans With Disabilities Act and/or the Federal Fair Housing Act and/or applicable State law, as amended.
  - 2. Only persons who the applicant proves have “disabilities” as defined in and protected by such laws are served.
  - 3. The standards for such accommodation found in Section 1327 are met.
- D. Other Authority. The Zoning Hearing Board shall also serve such other purposes as are authorized by this Ordinance and State law.

#### **1307.04 APPEALS; PROCEDURE; NOTICE AND HEARING**

- A. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by a decision of the Zoning Officer. Such appeal shall be taken within 30 days from the date of decision or determination appealed from, by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Zoning Hearing Board all papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board, after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of competent jurisdiction, on notice to the Zoning Officer and on due cause shown.
- C. The Board shall fix a reasonable time, not to exceed 60 days from the date of application, for the hearing of an appeal, give public notice thereof as well as due notice at least 6 days prior to the hearing, by mail, to the parties in interest at the address filed with the appeal, and decide the same within 45 days from the date of hearing completion. Any party may appear at the hearing in person, by agent or by attorney.

#### **1307.05 CONTENT OF PUBLIC NOTICE FOR APPEALS AND SPECIAL EXCEPTIONS.**

Public notices of appeals and/or special exceptions shall include: the names of the parties of interest; location; requested appeal and/or special exception; zoning district classification; reference to a place within the City where the proposed appeal and/or special exception may be examined, in addition to the time and place of hearing.

**1307.06 FEES FOR APPEALS**

- A. Fees. All persons hereafter taking an appeal from the decision of the Zoning Officer to the Zoning Hearing Board shall be subject to the payment of a reasonable fee established pursuant to the provisions of the City's Administrative Code. Such fee shall generally be intended to compensate the City for the costs of the Secretary and Members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. In addition, the appearance fee for a stenographer shall be shared equally by the applicant and the City.
- B. Stenographic Costs. The cost of the original transcript shall be paid by the City if the transcript is ordered by the Board or hearing officer as the case may be, or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting the copy or copies. In other cases, the party requesting the original transcript shall bear the cost.
- C. Payment. All fees and charges under this Ordinance shall be paid to the City in full in order for an application to be considered complete and officially accepted by the City.

**1307.07 PETITION OF APPEAL TO COURT.** Decisions, actions, interpretations and determinations under this Ordinance by the Zoning Hearing Board or Zoning Officer or another City Staff-person may be appealed as provided by State law. (Note: In most cases, State law requires that an appeal be filed within 30 days.)

**1307.08 TEMPORARY PERMITS.** A temporary permit may be authorized by the Zoning Hearing Board for buildings, structures or uses which are deemed by the Board to be beneficial to the public health, and necessary to the public welfare. Temporary permits for construction and real estate offices may be issued by the Zoning Officer pursuant to Section 1311.13

**1307.09 CANCELLATION OF BOARD PERMIT.** The Zoning Hearing Board, upon notification by the Zoning Officer, may cancel or revoke a permit previously granted by the Board for violation of this Zoning Ordinance or of any order of the Board. The standard enforcement and penalty provisions established in Article 1305 shall also apply.

**1307.10 SPECIAL EXCEPTION PROCEDURES**

- A. Purposes. The following standards are intended to provide the Zoning Hearing Board with a guide for the purpose of reviewing certain uses not otherwise permitted in specified districts except under restrictions of this Ordinance.
- B. Procedures.
  - 1. Application. Applications for special exception approval shall be made on forms available at the Zoning Office. If required by the Zoning Officer or elsewhere in this ordinance, four copies of a proposed site plan must accompany the application. The submission shall include the data required for site plan review under Article 1325, and other such information as may be required to enable the

Zoning Officer and the Zoning Hearing Board to properly evaluate the submission.

2. Reviews. The Zoning Officer shall refer such site plan to the Planning Commission, or its designee, for its review and recommendation in accordance with the provisions of Article 1325, and shall prepare a written report on the application and its compliance with the standards of this Ordinance, and shall forward any comments of applicable City departments and agencies.
  - a. The Planning Commission, or its designee, should, within 45 days of receipt of the site plan and application for which the special exception is pending, submit to the Zoning Officer any comments regarding the adequacy of the site plan under the provisions of Article 1325 and its recommendations concerning the effect of the proposed use on the surrounding properties and the City's Comprehensive Plan.
3. Consideration of Commission Comments. The Zoning Hearing Board should not take action on the application until receipt of written comments from the Planning Commission or its designee, or after the 45 day period, whichever is first. In taking action on an application the Board shall consider the written comments of the Commission or its designee or any City department or agency, and the written report of the Zoning Officer, and may suggest site plan modifications and changes in the application. Changes and modifications required by the Board, as well as the original provisions of the application which have not been modified, shall serve as conditions upon the use.

C. Zoning Hearing Board Approval.

1. Special exceptions may be authorized by the Zoning Hearing Board only in accordance with the requirements of this Ordinance. The Zoning Hearing Board may place reasonable conditions upon any approval under this Ordinance. Such conditions may be intended to: protect the public health and safety, protect existing residential neighborhoods, provide for compatible development, minimize traffic congestion and safety problems, and serve other purposes and objectives of this Ordinance.
2. The Zoning Hearing Board shall not approve a special exception application if evidence is presented that:
  - a. The use would result in a significant traffic safety hazard;
  - b. The use would create a significant public health and/or safety hazard; and/or
  - c. The use would cause substantial negative impacts upon the desirable character of an established residential neighborhood.
  - d. The application does not meet the criteria for approval found in Section 1327 of this ordinance.

**ARTICLE 1309**  
**ESTABLISHMENT OF ZONING DISTRICTS**

1309.01	Area, Yard, Building and Use Requirements
1309.02	List of Districts
1309.03	Zoning Map; Incorporation and Amendments
1309.04	Determination of District Boundaries
1309.05	Changes to Zoning Map
1309.06	Purposes of Each District

**CROSS REFERENCES**

Official Map - See Pa. Municipalities Planning Code §401 et seq. (53 P.S. §10401 et seq.)  
Classifications To Be Uniform - See PMPC §605 (53 P.S. §10605)

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**1309.01 AREA, YARD, BUILDING AND USE REQUIREMENTS.** Within each zoning district, each lot or structure shall comply with Articles 1313, 1315 and all other requirements of this Ordinance.

**1309.02 LIST OF DISTRICTS.** For the purpose of this Zoning Ordinance, the City is divided into the following districts:

R-H	High Density Residential District
R-MH	Medium High Density Residential District
R-MP	Medium Density Residential - Planned District
R-M	Medium Density Residential District
R-MLP	Medium Low Density Residential - Planned District
R-ML	Medium Low Density Residential District
R-L	Low Density Residential District
R-LC	Low Density Conservation Residential District
R-SO	Student Residence Overlay District
B-1/R	Limited Business/Residential District
B-2	Central Business District
B-3	Highway Business District
B-4	Shopping Center Business District
B-5	Urban Commercial District
B/LI	Business/Light Industrial District
I-2	Limited Industrial District
I-3	General Industrial District
I-G	Institutional and Government District
P	Parks District
RRO	Riverfront Redevelopment Overlay District

HSO	Hamilton Street Overlay District
TNDO	Traditional Neighborhood Development Overlay District
HBDO	Historic Building Demolition Overlay District

**1309.03 ZONING MAP; INCORPORATION AND AMENDMENTS.** The boundaries of the districts set forth in Section 1309.02 are established on a map entitled City of Allentown Zoning Map, which map accompanies and is declared to be a part of this Zoning Ordinance. Map changes and amendments shall be made in accordance with the provisions of Article 1305 of this Ordinance.

**1309.04 DETERMINATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to any district boundaries as shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow street, alley or public rights-of-way, center lines, railroad rights-of-way, waterways and lot or property lines as they exist on plats of record at the time of the passage of this Zoning Ordinance unless such district boundary lines are fixed by dimensions shown on the Zoning Map. Whenever any street, alley or other public right-of-way is vacated, the district adjoining each side of such street, alley or public right-of-way shall be automatically extended to the center of such vacated right-of-way.
- B. Where the Zoning Map shows a street, alley or waterway as the zoning district boundary, and the entire width of such feature is within the City of Allentown, then such boundary shall be the centerline of such feature, unless specified otherwise.
- C. Where land area has become a part of the City by annexation, the same shall automatically be classified as being in the R-L District until such classification is changed by an amendment to this Ordinance as provided herein.

**1309.05 ORDINANCE AMENDMENTS.** It is the responsibility of the applicant to contact the Zoning Officer or City Clerk's Office to make sure that they possess the latest amendments to this Zoning Ordinance.

**1309.06 PURPOSES OF EACH DISTRICT.** In addition to serving the overall community development objectives of this Ordinance, and the purposes of the Comprehensive Plan, the following districts shall serve the following purposes:

- A. R-H High Density Residential District - This district's development is more dense and intense, and is located typically, though not exclusively, in Allentown's center city. Its purpose is to provide areas of high density appropriate for the development of high rise residential and nonresidential structures with controls necessary for insuring compatible development with other uses permitted in this district.
- B. R-MH Medium High Density Residential District - This district is generally found at the fringe of the center city area. Its density is high, but less than that found in the R-H district. Its purposes are to provide areas of medium high density with a mix of housing

types, to protect these areas from incompatible uses, and to stabilize and preserve older neighborhoods.

- C. R-M Medium Density Residential District - The purpose of this district is to provide areas for medium density residential use, relatively small lot sizes and attached as well as detached dwelling units and to stabilize and protect the characteristics of these areas.
- D. R-MP Medium Density Residential - Planned District - The purpose of this district is to provide for medium density residential development with a variety of housing types in areas of the city that would benefit from relatively flexible lot requirements for housing other than single family detached homes. This district requires that rowhouse and apartment developments provide common open spaces to offset the lack of large individual yard areas.
- E. R-MLP Medium Low Density Residential - Planned District - The purpose of this district is to provide for residential development at a generally medium-low density, while allowing for relatively flexible lot requirements for housing other than single-family detached homes. This district is similar to the R-ML district except that it allows attached dwellings in the form of twin dwellings and rowhouses/townhouses at a medium-low density with flexible development standards. (14430 §1 10/12/06)
- F. R-ML Medium Low Density Residential District - The purpose of this district is to provide for primarily residential development at a generally medium-low density, while protecting these areas from incompatible uses. Similar to the R-L, this district provides for residential neighborhoods composed of single-family detached homes at a low density.
- G. R-L Low Density Residential District - The purpose of this district is to provide for residential neighborhoods at a low density with a generally suburban character, and that primarily involve single family detached homes.
- H. R-LC Low Density Conservation Residential District - The purpose of this district is to protect environmentally sensitive areas that are characterized by environmental features such as woodlands, steep slopes and view-sheds of river valleys through the provision of large lot sizes and tree protection regulations.
- I. R-SO Student Residence Overlay District - The purposes of this district are to protect the single family owner-occupied residential character of the immediate neighborhood surrounding an institution of higher learning, while permitting the residence of students "off-campus" proximate to the institution, to protect the character of the area, and to diminish those influences which infringe on the quiet enjoyment of single family owner-occupied residences, such as noise, litter, overcrowding, additional parking needs, and lack of maintenance of structures and their grounds.
- J. B-1/R Limited Business/Residential District - The purpose of this district is to provide for mixed use areas adjacent to residential districts in which business uses are permitted on a limited basis or as are normally required for the convenient household and business needs of nearby neighborhoods.

- K. B-2 Central Business District - The B-2 District is Allentown's Central Business District. The district promotes residential density and building intensity, and encourages a wide variety of retail, office, service, residential, governmental, cultural, entertainment and institutional uses in the Downtown. The district's standards are intended to maximize commercial development opportunities and housing density, as a tool to enhancing the market for Downtown businesses and increase the pedestrian levels. To broaden the reuse commercial opportunities for older and larger buildings, the B-2 provides opportunities for selected light manufacturing uses whose impacts are compatible with the qualities of the downtown.
- L. B-3 Highway Business District - The B-3 District is usually found along a City arterial street. The purpose of the district is to provide locations for highway oriented and other retail uses and services for large areas of the City and beyond.
- M. B-4 Shopping Center Business - The purpose of this district is to provide areas appropriate to and reserved for large complexes of shopping facilities containing a wide range of business and service uses and servicing large areas.
- N. B-5 Urban Commercial District - The purpose of this district is to provide an area that balances neighborhood commercial needs with those of a larger service area, though less highway oriented than Highway Business Districts. The district is also intended to facilitate the redevelopment and reuse of obsolete and vacant land and buildings by providing for a range of compatible commercial, entertainment and public uses.
- O. B/LI Business/Light Industrial District - The purpose of this district is to provide for a mix of commercial and light industrial uses to offer a wide market in areas suitable for both types of uses.
- P. I-2 Limited Industrial District - The purpose of this district is to provide for a range of lighter industries and related businesses in a manner that is compatible with adjacent neighborhoods, parks and the Queen City Airport. The district regulations include a set of performance standards and other regulations designed to protect residential property values, provide a desirable transition between industrial and other uses, and promote a high order of industrial development.
- Q. I-3 General Industrial District - The purpose of this district is to provide areas suitable for a wide variety of industrial and related uses with controls necessary for insuring sound industrial development.
- R. I-G Institutional and Government - The purpose of this district is to provide for areas for major governmental and institutional uses, including hospitals, related medical offices and colleges.
- S. P Parks - The purpose of this district is to primarily recognize public recreation land, cemeteries and public/semi-public open spaces.

- T. RRO Riverfront Redevelopment Overlay District - This district recognizes an area of Allentown that is uniquely situated compared to other areas of the City. This district allows future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RRO District is intended to:
1. Promote redevelopment that enhances the Lehigh Riverfront, in recognition of its value to the City, while making better use of underutilized lands.
  2. Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.
  3. Improve the public's access to the river and maximize the visibility of the riverfront.
  4. Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reduce commuting distances, while promoting use of public transit.
  5. Carry out the purposes of the Traditional Neighborhood Development (TND) and the purposes of the Planned Residential Development (PRD) provisions of the State Municipalities Planning Code, which are hereby included by reference.
  6. Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
  7. Promote housing that serves various types of households.
  8. Allow modification of certain requirements through the PRD process by the Planning Commission.
  9. Promote a pedestrian-oriented main street through the development that includes a mix of commercial and residential uses.
- U. HSO Hamilton Street Overlay District – This district recognizes Hamilton Street between 5<sup>th</sup> and 12<sup>th</sup> Streets as herein defined as a unique area with important historical and architectural resources. The regulations of this district are intended to serve the following major purposes:
1. To protect the existing physical character and historic streetscape identity of the Hamilton Street District, which has been determined to be eligible for the National Register of Historic Places.
  2. To provide a mechanism to review proposals for alterations to buildings to ensure consistency with established design guidelines for the area.
  3. To encourage continued use, appropriate rehabilitation and adaptive reuse of buildings.
  4. To strengthen the local economy by promoting downtown business activity, improving property values and increasing investment in older buildings.
- V. TNDO Traditional Neighborhood Development Overlay District – The regulations of this district are intended to serve the following major purposes:
1. To protect the character of Allentown's traditional neighborhoods and promote development that is consistent with the physical form and characteristics of those neighborhoods.
  2. To encourage the continued use, appropriate rehabilitation and adaptive reuse of



historic buildings.

3. To promote non-residential development that is designed to promote walkability and is of a scale and design that is compatible with adjoining residential neighborhoods.
4. To carry out the recommendations of the City's Comprehensive Plan, including recommendations to preserve neighborhoods and community character.

W. HBDO Historic Building Demolition Overlay District – The regulations of this district are intended to serve the following major purposes:

1. To promote the retention of community character through preservation of the local heritage by recognizing and protecting historic and architectural resources.
2. To establish a clear process to review the demolition of designated historic buildings.
3. To encourage the continued use, appropriate rehabilitation and adaptive reuse of historic buildings.
4. To strengthen the local economy by promoting heritage tourism, improving property values and increasing investment in older buildings.
5. To carry out the recommendations of the City's Comprehensive Plan, including recommendations to preserve historic buildings and community character.

**ARTICLE 1311**  
**GENERAL REGULATIONS AND EXCEPTIONS**

1311.01	Adequate Access Required
1311.02	Soil Removal, Deposit and Grading
1311.03	Yards on Corner Lots
1311.04	Yards or Open Space for Buildings
1311.05	Yard Areas on Double Frontage Lots
1311.06	Sight Clearance Near Intersections
1311.07	Fences or Walls
1311.08	Irregularly Shaped Lots
1311.09	Height Exceptions
1311.10	Emergency Exit Projection
1311.11	Side Yard Reduction For Nonconforming Lots
1311.12	Front Yard Averaging
1311.13	Construction and Real Estate Offices
1311.14	Number of Principal Buildings on a Lot
1311.15	Yard Sale Regulations
1311.16	Exceptions For Roof Overhangs
1311.17	Exemption For Municipal Uses

**1311.01 ADEQUATE ACCESS REQUIRED.** A principal building shall only be built on a lot having an adequate means of vehicle ingress and egress improved to meet City standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Regulations of the City.

**1311.02 SOIL REMOVAL, DEPOSIT AND GRADING.** All soil disturbing activities shall be performed in accord with the provisions of the City Land Development Controls Ordinance. The deposit of soils, detritus or other debris which would be unsightly or detrimental to surrounding properties, streets, sewers and natural waterways as a result of site preparation, grading and/or excavating shall be prohibited.

**1311.03 YARDS ON CORNER LOTS.** Corner lots fronting on 2 intersecting streets shall be considered to have 2 front yards, one side yard which shall be the minimum of the applicable district and one rear yard. One front yard shall meet the yard requirements for the applicable district and the other shall be not less than 15 feet.

**1311.04 YARD OR OPEN SPACE FOR BUILDINGS.** A yard or other open space provided around one building shall not be considered as meeting requirements for a yard or open space for another building. A yard or other open space on one lot shall not be considered as meeting requirements for a yard or other open space on another lot.

**1311.05 YARD AREAS FOR DOUBLE FRONTAGE LOTS.** The front yard regulations of the district in which a double frontage lot is located shall apply to both frontages. Furthermore, no garage or other outbuilding shall be placed closer to the rear street line than the required front yard regulations of the subject district.

**1311.06 SIGHT CLEARANCE NEAR INTERSECTIONS**

- A. No structure, fence, wall, hedge, shrub or other planting shall be maintained between 30 inches above curb level and 10 feet above curb level within the triangular area adjacent to an intersection drawn as specified below:
1. one side of the triangle shall be measured 15 feet along the property line of any street,
  2. one side of the triangle shall be measured 10 feet along the property line of any alley,
  3. where two alleys intersect, the two shorter sides of the triangle shall only be 5 feet in length,
  4. the longer side of the triangle shall connect lines drawn under "1.," "2." or "3.,"
  5. in the case of a rounded property corner, the two shorter sides of the triangle shall be drawn from the intersection of the property lines extended.
- B. On any lot where a private driveway enters a street, no obstruction between 30 inches above curb level and 10 feet above curb level shall be located within the triangular area formed by the property line, the private driveway paving and a line connecting them at points 10 feet from their intersection.
- C. A utility pole or a pole for a permitted sign may be located within a clear sight triangle provided it does not have a diameter greater than 20 inches. A trunk of an existing tree may continue to be located in a clear sight triangle, provided the adjacent landowner trims the branches to minimize sight obstructions.
- D. The regulations found in Paragraph A of this section shall not apply to properties fronting on Hamilton Street between 6th and 10th Streets.
- E. See also the City Subdivision and Land Development Ordinance, which may require a larger sight triangle in the case of a new "subdivision" or "land development."
- F. This Section 1311.06 shall not, by itself, prevent the replacement of an existing principal building with a new principal building, provided that the new principal building does not intrude into the clear sight triangle to a larger extent than the pre-existing building and that a building permit is issued for such replacement within 12 months of the removal of the previous building.

**1311.07 FENCES OR WALLS**

- A. Residential Districts.
1. Within the required minimum front yard the following shall apply:
    - a. a maximum height of 6 feet shall apply to any fence that has a maximum ratio of solid to open areas of 1:1 (such as a picket, split rail or wrought iron fence), and
    - b. a maximum height of 4 feet shall apply to any wall or a fence that does not have a maximum ratio of solid to open areas of 1:1.

- c. on a corner lot, within the required setback of the second front yard, a maximum height of 6 feet shall apply.
- 2. Outside of the required minimum front yard or second front yard, any wall or fence shall have a maximum height of 8 feet.
- 3. Any wall shall be constructed of brick or other masonry with a finished appearance.
- B. Non-residential Districts. Within the required front yard setback, a fence shall have a maximum height of 10 feet and a wall shall have a maximum height of 6 feet. A wall located within any other principal building setback shall have a maximum height of 8 feet.
- C. Materials. No fence or wall shall be constructed from scrap sheet metal or similar “junk.” No fence in a residential district shall be constructed out of barbed wire or be electrically charged, unless the applicant proves to the satisfaction of the Zoning Officer that barbed wire is necessary to protect persons from an unusual hazard, such as electric transformers.
- D. No fence or wall shall be constructed within the right-of-way of a street, except as provided in paragraph “E” of this section.
- E. Retaining Wall. The provisions of this Subsection shall not apply to a retaining wall of up to 8 feet in height that is necessary to hold back slopes or the wall of a building in a location permitted by this Ordinance.
- F. Measurement of Height. The height of any new fence or wall shall be measured on the exterior side of the fence or wall that faces a street, alley or other property, and shall be measured from grade level to the top of the main segment of the fence. Where a fence and wall are combined, the wall shall be restricted by the wall regulations, and the top of the fence/wall shall be restricted by the maximum height for a fence.
- G. Construction. Fences and walls shall be durably constructed and meet the requirements of the City Building Code where applicable.
- H. Temporary Fencing. This section 1311.07 shall not apply to temporary fencing around active construction sites, provided such fencing is removed within 30 days after completion of the construction.

#### **1311.08 IRREGULARLY SHAPED LOTS**

- A. In the case of irregularly shaped lots, the minimum lot width specified in Article 1315 shall be measured at the rear line of the required front yard. In no case shall the lot frontage measured at the street right-of-way line be less than 70 percent of the minimum lot width as specified in Article 1315.
- B. In measuring the width of an interior side yard where the side property line is not perpendicular to the street line, average dimensions measured perpendicular to the side lot line may be used, provided that no side yard shall be narrower than 4 feet at any one point. In measuring the depth of a rear yard that is not parallel with the street line, average

dimensions may be used, provided that no rear yard shall be narrower than 10 feet any one point.

**1311.09 HEIGHT EXCEPTIONS.**

- A. The height limitations of this Ordinance shall not apply to spires or steeples of places of worship, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulkheads, elevator equipment rooms, similar features and necessary mechanical appurtenances that customarily extend above roof level. Such features, however, shall not conflict with the special height limitations of Article 1395 regarding Airport Approaches.
- B. The height limitations of Article 1315 shall not apply to permitted Communications Towers and Antennas. Instead the provisions of Article 1327 regarding these uses shall apply.

**1311.10 EMERGENCY EXIT PROJECTION.** Nothing contained herein shall prevent the projection of an emergency exit (open fire-proof fire escape) into a required rear or side yard for a distance not to exceed 8 feet. In no case shall such exit project beyond the property line, unless a permit to encroach into the public right-of-way has been secured pursuant to applicable City Ordinances.

**1311.11 SIDE YARD REDUCTION FOR NONCONFORMING LOTS** - See Section 1329.

**1311.12 FRONT YARD AVERAGING.** No front yard shall be required to be greater than the average front yard distance of all existing principal structures within 100 feet on each side of the building that front on the same side of the street. For the purposes of this subsection, the setback measurements shall be taken from the structures' main walls and not from their open porches. This provision shall not apply when only one principal structure exists within 100 feet on both sides of the building, and fronts on the same side of the street.

**1311.13 CONSTRUCTION AND REAL ESTATE OFFICES.**

- A. A temporary permit may be issued by the Zoning Officer for routine and incidental temporary offices, parking and storage that are necessary as part of active construction on the same site or an adjacent lot, or for a temporary real estate office on a site where 10 or more dwelling units are actively being offered for sale.
- B. Agreement. Such permit shall only be issued if the owner provides a written and signed agreement to remove all such structures and activities after the completion of construction, or completion of sales in the case of a real estate office.
- C. Time Limit. Such temporary permits shall be issued for a period not to exceed one year, and may be renewed for one additional year if good cause is shown by the applicant in writing. After the first two years, a temporary use or structure shall only continue to be permitted under a Temporary Permit if approval is received from the Zoning Hearing Board. See Section 1307.08.

- 1311.14**      **NUMBER OF PRINCIPAL BUILDINGS ON A LOT.** No more than one principal single family detached dwelling unit shall be permitted on a lot.
- 1311.15**      **YARD SALE REGULATIONS.** Yard sales at residential properties shall be limited to four (4) per calendar year. Each yard sale shall be limited in time to no more than the daylight hours of three (3) consecutive days. No sign or other form of advertisement shall be displayed for more than twenty-four (24) hours prior to the commencement of such a sale and shall be removed immediately upon the conclusion of the sale.
- 1311.16**      **EXCEPTIONS FOR ROOF OVERHANGS.** A roof overhang may extend into a required setback by a maximum of 2 feet provided the roof does not cross over a lot line and provided that it does not result in stormwater runoff from the roof falling from the roof onto another lot.
- 1311.17**      **EXEMPTION FOR MUNICIPAL USES.** This Ordinance shall not apply to any lot, existing or proposed building, use thereof, of any expansion thereof, owned, used or to be used by the City of Allentown or for a use authorized by the Mayor or City Council by virtue of a lease or other contract.

**ARTICLE 1313**  
**USES PERMITTED BY ZONING DISTRICT**

**1313.01 USES PERMITTED BY ZONING DISTRICT.** Unless otherwise specifically stated by another section of this Ordinance, a structure or land shall only be used or occupied for a use specifically listed in the following tables as being permitted in the applicable zoning district. Any use shall only be permitted if it complies with all other requirements of this Ordinance. Where different provisions regulate the same matter, the requirement that is most restrictive upon the structure or use shall apply.

This Section 1313.01 is divided into the following tables:

- 1313.01.A. Permitted Residential Uses by Zoning District
- 1313.01.B. Permitted Commercial Uses by Zoning District
- 1313.01.C. Permitted Industrial Uses by Zoning District
- 1313.01.D. Permitted Institutional Uses by Zoning District
- 1313.01.E. Permitted Public/Semi-Public Uses by Zoning District
- 1313.01.F. Permitted Miscellaneous Uses by Zoning District
- 1313.01.G. Permitted Accessory Uses by Zoning District

For the purposes of this Section 1313.01, the following abbreviations shall have the following meanings:

- P = Permitted by Right Use, with a zoning decision by the Zoning Officer
- SE = Special Exception Use, with a zoning decision by the Zoning Hearing Board pursuant to the procedures and criteria for approval contained in Article 1307.
- N = Not Permitted

The letters in parenthesis, e.g. (A), refer to notes found at the end of these tables. Other articles of this ordinance containing additional requirements are also referenced in these tables, however, in both cases such references are not exhaustive.

The list of uses that are permitted is intended to provide examples, but is not intended to be exhaustive. If a use is not listed as permitted by right or special exception, then it is prohibited, except as may be otherwise specifically permitted by another section of this Ordinance. The following table provides an index to the list of permitted uses and their respective table.

**INDEX TO LIST OF PERMITTED USES**

<u>Use</u>	<u>Use Table</u>
Accessory use and/or structure	Accessory
Adaptive Reuse	Residential
Adult Day Care Center	Institutional
Adult Use	Commercial
Airports and Related Uses	Miscellaneous
Amusement Arcade	Commercial
Animal Shelter or Animal Cemetery	Institutional
Apartment/Multi-Family Dwellings	Residential
Auto Body Shop	Commercial

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CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

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<u>Use</u>	<u>Use Table</u>
Auto Sales or Rental	Commercial
Banquet Hall	Commercial
Bed and Breakfast Inn	Commercial
Betting Use	Commercial
Boat Dock, Wharf or Marina	Miscellaneous
Bring Your Own Bottle Establishment	Commercial
Bus Terminal, Inter-city	Commercial
Bus & Taxi Shelters	Miscellaneous
Business Services	Commercial
Car Wash	Commercial
Catering	Commercial
Cemetery or Crematorium	Institutional
Check Cashing	Commercial
Child Care Center	Institutional
College or University	Institutional
Commercial Communications Antenna, non-freestanding	Commercial
Commercial Communications Antenna, other	Commercial
Community Center, Non-Profit	Public/Semi-Public
Community Events and Displays	Accessory
Conversion of An Existing Business Use into One Dwelling Unit	Residential
Crop Farming, Gardening and/or sale of trees grown on the premises	Miscellaneous
Custom Crafts	Commercial
Distribution as a principal use, other than a Trucking Terminal	Industrial
Dormitory	Institutional
Drug and/or Alcohol Rehabilitation Facility or Halfway House	Institutional
Exercise Club	Commercial
Family Child Care Home	Accessory
Financial Institution	Commercial
Flammable Liquids, Above-Ground Bulk Storage for Off-site Use	Industrial
Fraternity	Institutional
Funeral Home	Commercial
Gasoline Station	Commercial
Government Uses	Public/Semi-Public
Group Child Care Home	Accessory
“Head Start” Program Center	Institutional
Heliport	Miscellaneous
Helistop	Accessory
Home Occupation	Accessory
Home Heating Oil Supplies	Industrial
Hospital	Institutional
Hotel or Motel	Commercial
Industrial Equipment Sales, Rental, Service	Industrial
Institution for Children, the Aged or Handicapped	Institutional
Junk-outdoor storage, display or processing of	Industrial
Junkyard (which includes Scrap Yard)	Industrial



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CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

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<u>Use</u>	<u>Use Table</u>
Kennel	Commercial
Large Group Home	Residential
Laundry, on an industrial scale	Industrial
Library	Institutional
Live Work Unit/Live Work Space	Miscellaneous
Manufactured Home Park	Residential
Manufacturing as an accessory use	Accessory
Manufacturing and/or bulk processing	Industrial
Massage Establishment	Commercial
Membership Club	Public/Semi-Public
Mineral Extraction and related processing, stockpiling and storage	Industrial
Moving and Storage Business	Industrial
Multi-Family Dwelling, other than conversions	Residential
Museum or Visitor's Center	Institutional
Newspaper Publishing and Printing	Commercial
Newspaper Vending Machines, Outdoors	Accessory
Nursery School	Institutional
Nursing Home or Personal Care Home	Institutional
Offices of business, institution, profession or similar entity	Commercial
Outdoor Storage, Industrial	Industrial
Package Delivery Services Distribution Center	Industrial
Packaging, Bottling or Assembly	Industrial
Parking, Off-Street as a principal use of lot	Miscellaneous
Parking Lot Structure	Accessory
Parking, Off-Street Surface, as accessory use	Accessory
Passenger Rail Station	Commercial
Pawn Shop	Commercial
Personal Care Home	Institutional
Personal Services	Commercial
Photo Processing, Bulk	Industrial
Place of Worship	Institutional
Plant Nursery with or without retail sales	Miscellaneous
Pre-School	Institutional
Printing or Bookbinding on an Industrial Scale	Industrial
Printing and Duplication, Custom	Commercial
Prison or Other Correctional Facility	Public/Semi-Public
Public Park, Playground or other publicly-owned recreation	Public/Semi-Public
Public Utility, other facilities such as electric substations	Miscellaneous
Public Utility, distribution lines	Miscellaneous
Records Storage	Industrial
Recreation, Commercial	Commercial
Recycling Processing Center	Industrial
Recycling Collection Center, Publicly Owned	Public/Semi-Public
Recycling Collection Center, not publicly owned	Industrial
Repair Garage	Commercial
Research and Development, Engineering or Testing Facility or Laboratory	Industrial

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CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

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Use

Residential Conversion  
Restaurant, with drive-thru service  
Restaurant, without drive-thru service  
Retail Store  
Roomers/Boarders  
Rooming House or Boarding House  
Rowhouse/Townhouse  
Sample or Model Home  
School, Elementary or Secondary  
Self-Storage Facility  
Single Family Detached Dwelling  
Slaughterhouse or Stockyard  
Small Group Home  
Solar Energy Collection Devices (as an accessory use)  
Solar Energy Collection Devices (as a principal use)  
Solid Waste Transfer Facility or Solid Waste to Energy Facility  
Sorority House  
Space for Storage of Commercial Vehicles  
Student Residence  
Swimming Pools, household  
Tavern  
Telephones, Pay or Vending Machines, Outdoors  
Temporary Shelter  
Theater or Civic and/or Cultural Facility  
Tires, Used, Bulk Storage as Principal or Accessory Use  
Trade School or Similar Educational Institution  
Trucking Terminal  
Twin Dwelling  
Two Family Dwelling  
Uses Unable to Meet the Performance Standards of Article 1317  
Veteran's Treatment Center  
Veterinarian, other than Kennel  
Warehousing or Storage as a Principal Use  
Warehousing as an accessory use  
Wholesale Sales  
Wind Turbine as an accessory use  
Wind Turbine(s) as a Principal Use

Use Table

Residential  
Commercial  
Commercial  
Commercial  
Residential  
Residential  
Residential  
Residential  
Institutional  
Commercial  
Residential  
Industrial  
Residential  
Accessory  
Miscellaneous  
Industrial  
Institutional  
Miscellaneous  
Residential  
Accessory  
Commercial  
Accessory  
Institutional  
Commercial  
Industrial  
Commercial  
Industrial  
Residential  
Residential  
Miscellaneous  
Institutional  
Commercial  
Industrial  
Accessory  
Industrial  
Accessory  
Miscellaneous

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

**1313.01.A. PERMITTED RESIDENTIAL USES BY ZONING DISTRICT**

<b>RESIDENTIAL USES (See definitions in Article 1303)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Single Family Detached Dwelling		P	P	P	P	P	P	P	P	P (A)	P (A)	P	N	N	N	N	N	N	P
Twin Dwelling, with each new dwelling unit located on its own lot	Article 1315.05	P	P	P	P	P	N	N	N	P (A)	P (A)	P	N	N	N	N	N	N	P (EE)
One or more Apartment/Multi-Family Dwelling Units within a Building that includes a principal non-residential use	Article 1315.05	P	N	N	N	N	N	N	N	P (A)	P (A)	P (B)	N	P (A)	N	N	N	N	N
Multi-Family Dwellings (other than residential conversions) -3 to 4 dwelling units on a lot	Article 1315.05	P	P	P	P	N	N	N	N	P (A)	P (A)	N	N	P (DD)	N	N	N	N	P (EE)
Multi-Family Dwellings (other than residential conversions) - 5 or more dwelling units on a lot	Article 1327, 1315.05	P	P	P	P		SE	N	N	P (A)	P (A)	N	N	P (DD)	N	N	N	N	P (EE)
Roomers/Boarders	Note E	P	P	P	P	P	P	P	P	P (A)	N	N	N	N	N	N	N	N	N
Rowhouse/Townhouse		P	P	P	P	P	N	N	N	P (A)	P (A)	N	N	N	N	N	N	N	P (EE)
Rooming House or Boarding House	Article 1327	N	N	N	N	N	N	N	N	SE	N	N	N	N	N	N	N	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>RESIDENTIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Manufactured Home Park	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE (F)	N	N	N
Adaptive Reuse	Article 1327	SE	SE	SE	SE	SE	SE	N	N	SE (A)	SE (A)	N	N	N	SE (C)	SE (C)	N	N	SE
Conversion of An Existing Lawful Principal Business Use into One Dwelling Unit	Article 1327, 1315.05 (Note KK)	SE	SE	SE	SE	SE	SE	SE	N	P (A)	P (A)	N	N	N	N	N	N	N	N
Residential Conversion of an Existing Building to result in an Increased Number of Dwelling Units, other than above	Article 1327	SE	N	N	N	N	N	N	N	P (A) (G)	P (A)	N	N	N	N	N	N	N	N
Sample or Model Home	Article 1327	SE	SE	SE	SE	SE	SE	SE	SE	N	N	N	N	N	N	N	N	N	N
Two Family Dwelling		P	P	P	P	N	N	N	N	P	P(A)	N	N	N	N	N	N	N	N
Small Group Home	Article 1327	SE	SE	SE	SE	SE	SE	SE	SE	SE	N	N	N	N	N	N	N	N	N
Large Group Home	Article 1327	SE	SE	N	N	N	N	N	N	SE	N	N	N	N	N	N	N	N	N
Student Residence (such use is only regulated as a distinct use within the R-SO Overlay District. Outside of the R-SO District, the applicable dwelling and "family" regulations shall apply.)	Article 1327	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

**1313.01.B. PERMITTED COMMERCIAL USES BY ZONING DISTRICT**

COMMERCIAL USES (See definitions in Article 1303)	REFER ENCES	R-H	R-MH	R-M	R-MP	R-MLP	R-ML	R-L	R-LC	B1/R	B2	B3	B4	B5	B/LI	I2	I3	P	I/G
Adult Use	Article 1327	N	N	N	N	N	N	N	N	N	N	SE	N	N	N	N	N	N	N
Amusement Arcade		N	N	N	N	N	N	N	N	SE (JJ)	P	P	P	P	P	N	N	N	N
Art Gallery	Note LL	P (JJ)	SE	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	N	N	N	P
Auto Body Shop	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Auto Sales or Rental		N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N	N
Bed and Breakfast Inn		SE (I)	N	N	N	N	N	N	N	SE (I)	P	P	P	N	P	N	N	N	N
Betting Use		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Bring Your Own Bottle Establishment	Article 1327	N	N	N	N	N	N	N	N	N (CC)	P	P	P	P	N	N	N	N	N
Bus or Passenger Rail Terminal (as a principal or accessory use)		N	N	N	N	N	N	N	N	N	P	N	P (J)	N	P	P	P	N	N
Business Services		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Car Wash	Article 1327 Note H	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	N	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>COMMERCIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R- MH</b>	<b>R-M</b>	<b>R- MP</b>	<b>R- MLP</b>	<b>R- ML</b>	<b>R-L</b>	<b>R- LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Catering, Preparation of Food for (this use may be combined with a Restaurant if the requirements for a restaurant are also met)		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Check Cashing Business	Note II	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N
Commercial Communications Tower/Antenna, -non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height	Article 1327	P	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	P
Commercial Communications Tower/Antenna -freestanding	Article 1327	N	N	N	N	N	N	N	N	N	N	SE	SE	N	SE	P	P	N	SE
Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Exercise Club		P (K)	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>COMMERCIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)		N	N	N	N	N	N	N	N	P (HH) (JJ)	P	P	P	P	P	N	N	N	N
Funeral Home		P (JJ)	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	N	N	N	N
Gasoline Station	Article 1327; Note H	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	N	N	N
Hotel or Motel		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Kennel		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
Massage Establishment meeting the City Massage Establishment Ordinance. All other massage establishments shall be prohibited.		P (K)	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Newspaper Publishing and Printing		N	N	N	N	N	N	N	N	P (M) (JJ)	P	P	P	P	P	P	P	N	N
Offices of business, institution, profession or similar entity (see also Home Occupation)		P (JJ)	N	N	N	N	N	N	N	P (M) (JJ)	P	P	P	P	P	P	P	N	P

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>COMMERCIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Pawn Shop	Note II	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	N
Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)	Note (GG)	P (K)	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Printing and Duplication, Custom (see also printing as an Industrial Use)		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Recreation, Commercial, other than an "Adult Use" or Amusement Arcade		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	N	N	N	N
Repair Garage	Article 1327; Notes H, BB	N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N	N
Restaurant, includes take-out-without drive-thru service or a Banquet Hall		P(K)	N	N	N	N	N	N	N	P(JJ)	P	P	P	P	P	N	N	N	N
Restaurant, includes take-out-with drive-thru service		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N
Retail Store (such as a drug store or variety store, other than Adult Use)	Note W	P(K)	N	N	N	N	N	N	N	P (M)(JJ)	P	P	P	P	P	N	N	N	P (N)
Shopping Center		N	N	N	N	N	N	N	N	P (M)(JJ)	P	P	P	P	P	N	N	N	N



**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

Tavern		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
COMMERCIAL USES (continued)	REFER ENCES	R-H	R-MH	R-M	R-MP	R-MLP	R-ML	R-L	R-LC	B1/R	B2	B3	B4	B5	B/LI	I2	I3	P	I/G	
Theater (not including an “Adult Use”), Civic and/or Cultural Facility, Arena, Gymnasium, Auditorium or Sports Stadium		N	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	P (AA)	N	
Trade School or Similar Educational Institution		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N	
Veterinarian, other than Kennel		N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N	N	

CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

**1313.01.C. PERMITTED INDUSTRIAL USES BY ZONING DISTRICT**

<b>INDUSTRIAL USES</b> <b>(See definitions in</b> <b>Article 1303)</b>	<b>REFER</b> <b>ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Distribution as a principal use (other than a Trucking Company Terminal)		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Flammable Liquids, Above-ground Bulk Storage for Off-site Use, other than as accessory to a home heating company		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Industrial Equipment Sales, Rental Service, other than vehicles primarily intended to be operated on public streets		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Home Heating Oil Supplies		N	N	N	N	N	N	N	N	N	N	N	N	N	SE	SE	SE	N	N
Junk-outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Junkyard (which includes Scrap Yard)	Articles 1323, 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Laundry, on an industrial scale		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>INDUSTRIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R- MH</b>	<b>R-M</b>	<b>R- MP</b>	<b>R- MLP</b>	<b>R- ML</b>	<b>R-L</b>	<b>R- LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Mineral Extraction and related processing, stockpiling and storage	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Moving and Storage Business		N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N
Outdoor Storage, Industrial	Article 1323	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Packaging, Bottling or Assembly		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
Package Delivery Services Distribution Center		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Photo Processing, Bulk		N	N	N	N	N	N	N	N	P (JJ)	P	N	N	P	P	P	P	N	N
Printing or Bookbinding on an Industrial Scale		N	N	N	N	N	N	N	N	N	P (O)	N	N	P	P	P	P	N	N
Records Storage as a Principal or Accessory Use		N	N	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	N
Recycling Collection Center (not publicly owned)		N	N	N	N	N	N	N	N	N	N	SE	SE	SE	SE	P	P	N	N
Recycling Processing Center, Bulk, provided all processing occurs indoors-- not including a solid waste disposal or transfer facility or junkyard) (See Open Storage regulations in Section 1323.03)		N	N	N	N	N	N	N	N	N	N	N	N	N	SE	P	P	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>INDUSTRIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Research and Development, Engineering or Testing Facility or Laboratory		N	N	N	N	N	N	N	N	N	P (O)	P	P	P	P	P	P	N	N
Self-Storage Facility		N	N	N	N	N	N	N	N	N	N	P	P	N	P	P	P	N	N
Slaughterhouse or Stockyard		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Solid Waste Transfer Facility or Solid Waste to Energy Facility	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Tires, Used, Bulk Storage as Principal or Accessory Use	Article 1327.03 and 1323.03	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
Trucking Terminal	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
Warehousing or Storage as a Principal Use		N	N	N	N	N	N	N	N	N	N	P	N	N	P	P	P	N	N
Wholesale Sales		N	N	N	N	N	N	N	N	P (P) (JJ)	P (Q)	P	P	P	P	P	P	N	N
Manufacture and/or bulk processing of the following, provided the manufacturing occurs only indoors, and such additional uses that the applicant proves to the clear satisfaction of the Zoning Officer are closely similar to permitted uses:																			

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>INDUSTRIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
-Ammunition, Fireworks or Explosives (or bulk storage of)		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Apparel, Textiles, Shoes and Apparel Accessories		N	N	N	N	N	N	N	N	N	P (O)	P	N	P	P	P	P	N	N
-Cement, actual manufacture of, or Asphalt		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Cement, Gypsum, Concrete or Plaster Products other than actual manufacture of cement		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
-Ceramic, Clay and Pottery Products (Other than Custom Crafts)		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
-Chemical Products that are not "extremely hazardous substances"		N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	SE	N	N
-Chemicals, Manufacture, Mixing, or Bulk Storage of "extremely hazardous substances"		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Electrical and Electronic Machines, Supplies and Equipment		N	N	N	N	N	N	N	N	P (JJ)	P (O)	P	N	P	P	P	P	N	N
-Fabricated Metal Products (except Ammunition, Fireworks or Explosives)		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>INDUSTRIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R- MH</b>	<b>R-M</b>	<b>R- MP</b>	<b>R- MLP</b>	<b>R- ML</b>	<b>R-L</b>	<b>R- LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
-Food and Beverage Products, other than what is customarily accessory to a retail store, and not including uses listed individually in this table		N	N	N	N	N	N	N	N	N	P (O) (Y)	P (Y)	P (Y)	P (Y)	P (Y)	P (Y)	P	N	N
-Furniture and Wood Products (not including raw paper pulp)		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Glass and Glass Products (see also custom crafts)		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
-Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Bones, Dead Animals or Offal (other than within an approved solid waste facility)		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
-Jewelry, Optical Goods or Precision Instruments		N	N	N	N	N	N	N	N	N	P (O)	P	P	P	P	P	P	N	N
-Manufactured or Modular Housing, or housing components		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Metal Products, Primary		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>INDUSTRIAL USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
-Paper and Cardboard Products (not including manufacture of raw paper pulp)		N	N	N	N	N	N	N	N	N	P (O)	N	N	N	P	P	P	N	N
-Paper- Raw Pulp		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N	N
-Paving or Roofing Materials, other than bulk manufacture of asphalt		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Pharmaceuticals		N	N	N	N	N	N	N	N	N	P (O)	P	N	P	P	P	P	N	N
-Plastics, Polymers, Resins or Vinyl		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
-Products from Previously Manufactured Materials, such as glass, leather, plastics/polymers, cellophane, textiles, rubber or synthetic rubber (other than Custom Crafts)		N	N	N	N	N	N	N	N	N	P (O)	P	N	P	P	P	P	N	N
-Rubber, Natural or Synthetic		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
-Soaps, Detergents, Paints, Varnishes or Enamels		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N
-Transportation Equipment		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

**1313.01.D. PERMITTED INSTITUTIONAL USES BY ZONING DISTRICT**

<b><u>INSTITUTIONAL USES</u></b> <b>(See definitions in Article 1303)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Adult Day Care Center	Article 1327	SE	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	N	P	P	P	P	P	P	P	P	N	P
Animal Shelter or Animal Cemetery, Non-Commercial		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE	N
Cemetery or Crematorium		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P (S)	N
Child Care Center, Nursery School, Pre-School or "Head Start" Program center	Article 1327	SE	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	SE (R)	N	P	P	P	P	P	P	P	P	N	P
College or University	Article 1327	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	P (Z)
Dormitory or Fraternity or Sorority House	Article 1327	N	N	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N	P (FF)
Drug and/or Alcohol Rehabilitation Facility or Halfway House	Article 1327	SE	N	N	N	N	N	N	N	SE	N	N	N	N	N	N	N	N	SE
Elementary or Secondary School	Article 1327	SE	SE	SE	SE	SE	SE	N	N	P	P	P	P	P	P	N	N	N	P



**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b><u>INSTITUTIONAL USES</u> (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Hospital	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE (T) (Z)
Institution for Children, the Aged or Handicapped		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Library		N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	P	P
Museum or Visitor's Center, and which include accessory retail sales		SE	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	SE	P
Nursing Home or Personal Care Home	Article 1327	SE	SE	SE	SE	N	N	N	N	P	N	P	P	P	P	N	N	N	P
Place of Worship	Article 1327	SE	SE	SE	SE	SE	SE	SE	N	P	P	P	P	P	P	P	P	N	P
Temporary Shelter	Article 1327	SE	N	N	N	N	N	N	N	SE	SE	N	N	N	N	N	N	N	SE
Veterans Treatment Center	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE

CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

**1313.01.E. PERMITTED PUBLIC/SEMI-PUBLIC USES BY ZONING DISTRICT**

<b><u>PUBLIC/SEMI-PUBLIC USES</u></b> <b>(See definitions in Article 1303)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Community Center, Non-Profit		SE	SE	SE	SE	SE	SE	N	N	P (JJ)	P	P	P	P	P	P	P	P	P
Government Uses (not including prisons, other correctional facilities and solid waste facilities)		P	P	P	P	SE	SE	SE	N	P	P	P	P	P	P	P	P	P	P
Membership Club	Article 1327	SE	SE	N	N	N	N	N	N	P (JJ)	P	P	P	P	P	P	P	N	P
Prison or Other Correctional Facility		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SE
Public Park, Playground or other publicly-owned recreation		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recycling Collection Center – Publicly Owned		N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

**1313.01.F. PERMITTED MISCELLANEOUS USES BY ZONING DISTRICT**

<b>MISCELLANEOUS USES (See definitions in Article 1303)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Airports and Related Uses		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Boat Dock, Wharf or Marina		N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	P	N
Bus & Taxi Shelters		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Crop Farming, Gardening and/or sale of trees primarily grown on the premises		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
Heliport		N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N
Live Work Unit/Live Work Space	Article 1327	P	SE	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N	N
Plant Nursery with or without retail sales		N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Parking, Off-Street as a principal use of lot	Article 1327	SE	SE	SE	SE	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Space for Storage of Commercial Vehicles		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N
Uses Unable to Meet the Performance Standards of Article 1317		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Public Utility -distribution lines	Article 1327	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b><u>MISCELLANEOUS USES (continued)</u></b>	<b><u>REFER ENCES</u></b>	<b><u>R-H</u></b>	<b><u>R-MH</u></b>	<b><u>R-M</u></b>	<b><u>R-MP</u></b>	<b><u>R-MLP</u></b>	<b><u>R-ML</u></b>	<b><u>R-L</u></b>	<b><u>R-LC</u></b>	<b><u>B1/R</u></b>	<b><u>B2</u></b>	<b><u>B3</u></b>	<b><u>B4</u></b>	<b><u>B5</u></b>	<b><u>B/LI</u></b>	<b><u>I2</u></b>	<b><u>I3</u></b>	<b><u>P</u></b>	<b><u>I/G</u></b>
Public Utility -other facilities such as electric substations, but not including vehicle garages, warehouses, storage yards or commercial communications antennae	Article 1327	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	P	P	N	SE
Solar Energy Collection Devices – other than as accessory	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N
Wind Turbine(s) – other than as accessory	Article 1327	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

**1313.01.G. PERMITTED ACCESSORY USES BY ZONING DISTRICT**

ACCESSORY USES (See definitions in Article 1303)	REFER ENCES	R-H	R-MH	R-M	R-MP	R-MLP	R-ML	R-L	R-LC	B1/R	B2	B3	B4	B5	B/LI	I2	I3	P	I/G
Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P (Z)
Community Events and Displays		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Family Child Care Home	Article 1327	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	P	N	P
Group Child Care Home	Article 1327	SE	SE	SE	SE	SE	SE	N	N	P (JJ)	P	P	P	P	P	P	P	N	P
Helistop	Article 1327	N	N	N	N	N	N	N	N	N	SE	N	N	N	N	P	P	N	P (U)
Home Occupation -Medical, Dental, Chiropractic or similar licensed and professionally certified doctor, which shall be limited to one such doctor per dwelling	Article 1327	P	SE (V)	SE (V)	SE (V)	SE (V)	SE (V)	SE (V)	SE (V)	P (JJ)	P	P	P	P	P	P	P	N	P

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>ACCESSORY USES (continued)</b>	<b>REFER ENCES</b>	<b>R-H</b>	<b>R-MH</b>	<b>R-M</b>	<b>R-MP</b>	<b>R-MLP</b>	<b>R-ML</b>	<b>R-L</b>	<b>R-LC</b>	<b>B1/R</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>B5</b>	<b>B/LI</b>	<b>I2</b>	<b>I3</b>	<b>P</b>	<b>I/G</b>
Home Occupation -other	Article 1327	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Manufacturing as a routine and customary accessory use to the permitted principal use of the lot (see also "Custom Crafts")		N	N	N	N	N	N	N	N	N	P (Q)	P	N	P	P	P	P	N	N
Parking, Off-Street Surface, as accessory to a use permitted in the applicable district		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking Lot Structure		N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	P
Solar Energy Collection Devices	Article 1327	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pools, household	Section 1315.04 Article 1725	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Telephones, Pay or Vending Machines, Outdoors	Note X	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P
Warehousing as an accessory use to the permitted principal use of the lot		N	N	N	N	N	N	N	N	P	P (Q)	P	N	P	P	P	P	P	P
Wind Turbine – limited to one turbine per lot	Article 1327	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

**NOTES TO TABLES OF PERMITTED USES**

Note (A) =	If a lot is adjacent to Hamilton Street between 5th and 10th Streets or adjacent to N. 7 <sup>th</sup> Street, then any new residential use shall be limited to the second floor or higher floor(s).	Note (I) =	Limited to a maximum of 10 guest rooms. A primary owner/operator of the Bed and Breakfast Inn must live on-site.
Note (B) =	Limited to one or more apartments within the same building as a street level lawful principal non-residential use, within a building that existed prior to the adoption of this Ordinance.	Note (J) =	Only as accessory to a permitted shopping center use.
Note (C) =	Limited to the adaptive reuse of a principal building with over 5,000 square feet of total building floor area that existed prior to the adoption of this Ordinance and where 75% of the perimeter of the property is adjacent to or across the street from a residential district.	Note (K) =	Such uses shall: a) be entirely contained and operated within the main walls of a building containing at least 25,000 square feet of residential or hotel floor area, b) only involve signs permitted by this Ordinance, c) be limited to the first floor or lower level of the building, and d) have no exterior entrance.
Note (D) =	(Reserved).	Note (L) =	Reserved
Note (E) =	A total maximum of 1 person in the R-L and R-LC districts and 2 persons in any other residential district may be fed and/or sheltered for profit as boarders or roomers, provided that all of the following conditions are met: a) such boarders or roomers shall be limited to a dwelling unit that is owner-occupied and b) the lot only includes one dwelling unit. In any case, there shall be compliance with the total maximum of 4 unrelated persons per dwelling unit.	Note (M) =	With a maximum total area in such use(s) of 8,000 square feet of floor area, except such restriction shall not apply to a lot that included over 30,000 square feet of lot area prior to the adoption of this ordinance.
Note (F) =	Limited to a tract including a minimum of 2 acres that is adjacent to an existing residential district.	Note (N) =	Limited to drugstore or pharmacy when accessory to permitted principal use.
Note (G) =	The same residential uses shall be permitted within the B-1R district as are permitted in the R-MH district. One dwelling unit is permitted as an accessory to a principal non-residential use. Any additional dwellings shall meet the same regulations as would otherwise apply within the R-MH district.	Note (O) =	Subject to meeting the Performance Standards of Section 1317.02, the use is located wholly within a structure, and the use does not occupy the front fifty percent (50%) of the street level floor.
Note (H) =	The uses Gasoline Station, Auto Repair, Car Wash and/or Retail Store may be combined provided that each is a permitted use in that district, and provided that the requirements for each use are met.	Note (P) =	With a maximum floor area per lot of 8,000 square feet within such uses, and provided that the applicant proves that there is adequate loading space based upon requirements of this Ordinance, and provided that the lot is adjacent to an "arterial street."
		Note (Q) =	Provided such use does not occupy the street level space fronting onto Hamilton Street west of 4th Street.
		Note (R) =	Limited to a lot that: a) includes a minimum of 3,000 square feet of lot area, and b) is accessory to a lawful place of worship, hospital, community center, primary or secondary school, or similar principal institutional use.
		Note (S) =	A crematorium must be setback a minimum of 250 feet from any residential district boundary.

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Note (T) =	Except expansions of existing hospitals on the same lot or on an adjacent lot shall be permitted by right so long as the lot is located in an I-G district.	resident age 55 and over or the physically disabled, with no person under age 18 residing on the lot for more than 30 days per calendar year, and if the tract includes 10 or more acres, then such development may be developed pursuant to the following:
Note (U) =	Only as accessory to Medical Hospital.	
Note (V) =	Limited to abutting an "arterial street" and provided at least 4 off-street parking spaces are provided for the home occupation use.	1. The standards of the R-MP district contained in Section 1315.02 shall apply except the maximum average density for all dwelling types for the entire tract may be 8 units per acre.
Note (W) =	A retail store may include creation of custom crafts, such as jewelry or leather items, as an accessory use.	2. Other institutional uses such as nursing homes and/or personal care homes may be developed as part of the overall development. In such case, every four (4) beds shall constitute one dwelling unit.
Note (X) =	Provided such telephones and machines shall only be permitted outdoors if they are accessory to a principal non-residential use on the same lot, and shall not be located within a street right-of-way or on a vacant lot unless permitted by another City ordinance.	3. Such development may also include non-commercial recreation facilities and dining facilities that are primarily intended to serve residents of the development and their invited guests; administrative offices and maintenance facilities for the development; facilities for support services of residents; medical and dental offices and support facilities; a financial institution and accessory commercial service businesses that primarily serve residents and that do not have their own exterior customer entrance, such as a barber/beauty shop or gift shop. Fuel sales and drive-through facilities shall be prohibited.
Note (Y) =	Limited to food and beverage products for human consumption only.	4. A system of sidewalks or pathways shall be provided between buildings, which shall be ADA-accessible to the maximum extent feasible.
Note (Z) =	Within the I-G District, a use that would be customarily accessory to a college or hospital may be located on a lot that is separate and distinct from the "main campus" of such use. All such uses shall be treated as principle uses and/or structures. Limited to publicly owned facilities.	5. The applicant shall communicate with the public transit provider to seek public transit service. The City may require that loading areas be provided for any bus, Para transit and/or shuttle services.
Note (AA) =	Repair garages primarily servicing commercial and/or construction vehicles are permitted only in the I-2 and I-3 Districts.	6. Required parking may be reduced to 1.25 spaces per unit. Within the I-G district, a dormitory is allowed to have multiple cooking and eating areas for residents of the dormitory.
Note (BB) =		
Note (CC) =	With the exception that Bring Your Own Bottle Establishments are permitted whose sole use is as a restaurant where food and/or non-alcoholic beverages are prepared and served for on-site consumption, and where customers are provided with an individual menu and served their food and beverages by a restaurant employee at the same table where the items are consumed.	
Note (DD) =	Any residential use shall be limited to the second floor or higher floor(s).	
Note (EE) =	If every dwelling unit in a development tract is permanently restricted by deed and by lease to occupancy by at least one	

Note (FF) =



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Note (GG) =

Any barber shop, beauty shop or haircutting/hairstyling use shall have a State-licensed barber or cosmetologist on the premises during any hours when the use is open to the public. A financial institution shall not include drive-thru service.

Note (HH) =

The building floor area occupied by a Check Cashing Business shall not be located within 1,000 feet from the closest building floor area occupied by another Check Cashing Business. The building floor area occupied by a Pawn Shop shall not be located within 1,000 feet from the closest building floor area occupied by another Pawn Shop. A Pawn Shop shall fully comply with record-keeping requirements of the State Pawnbrokers License Act, as amended, and such records shall be available for review by the City Police Department upon request.

Note (JJ) =

Late Night Hours of Operation. Special exception approval from the Zoning Hearing Board shall be required if a lawful non-residential use is proposed to be open to the public during any hours between midnight and 6 AM in the B-1/R district or between 10 PM and 6 AM in any residential district. This

Note (KK) =

As a permitted by right use, building area occupied by an existing lawful business use may be used to enlarge a pre-existing lawful dwelling unit in the same building.

Note (LL) =

An Art Gallery may be located in a building with a residential use where such residential use is permitted.

section shall not apply to existing uses that were open during such hours prior to the enactment of this Section. The only standard for the special exception approval shall be whether the late night hours are likely to create nuisances and incompatibilities with nearby residential uses, considering the type of proposed use and its location. This provision shall apply in addition to restrictions that apply to a nonconforming use, such as provisions regulating changes from one nonconforming use to a different nonconforming use.

**ARTICLE 1314  
OVERLAY DISTRICT REQUIREMENTS**

1314.01	RRO - Riverfront Redevelopment Overlay District
1314.02	TNDO - Traditional Neighborhood Development Overlay District
1314.03	HBDO - Historic Building Demolition Overlay District
1314.04	HSO - Hamilton Street Overlay District

**1314.01 RRO RIVERFRONT REDEVELOPMENT OVERLAY DISTRICT**

- A. Boundary. The RRO District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be amended to show the boundaries of the new RRO District.
- B. Applicability and Phasing.
1. The RRO District is an optional district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RRO District or under the underlying district. Once a final plan is approved under the RRO District, it shall be completed under the RRO District provisions.
  2. Development in the RRO District shall first require approval as a Planned Residential Development (PRD). The PRD approval process generally replaces the traditional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed in the RRO District shall be permitted by right, provided they are consistent with the approved PRD Plan. If uses or development are proposed that are inconsistent with the approved PRD Plan, then the PRD Plan revisions shall first be approved by the Planning Commission.
  3. The provisions of this RRO District shall only be available to be utilized if the total area of the tract is greater than 20 acres in common ownership or common equitable ownership at the time of tentative PRD plan submission. Each phase of development shall include a minimum of 3 acres. For the purposes of the RRO District, a tract may include lots that are separated from each other by a street, a railroad, an alley, a vehicle accessway, or a similar land area intended for vehicle access.
    - a. Once one PRD has been approved in the RRO District, then a second contiguous PRD in the RR District shall have a minimum tract size of 3 acres, provided that the second PRD is coordinated in uses and traffic access with the first PRD. The intent is to have the second PRD serve as an extension of the first PRD, even though the developer and ownership may be different.
- C. Use Regulations. Within the RRO District, land and/or structures may be used for any of the following permitted by right uses listed below, provided approval is first granted as a PRD.
1. Twin Dwelling or Two Family Dwellings.
  2. One or more Apartment/Multi-Family Dwellings within a Building that includes a

principal non-residential use.

3. Multi-Family Dwellings (other than conversions) -3 or more dwelling units on a lot.
4. Rowhouse/Townhouse
5. Residential Conversion of an Existing Building to result in an Increased Number of Dwelling Units, other than above.
6. Amusement Arcade
7. Bed and Breakfast Inn
8. Business Services
9. Catering, Preparation of Food for (this use may be combined with a Restaurant if the requirements for a restaurant are also met)
10. Commercial Communications Tower/Antenna, -non-freestanding extending less than 25 feet above an existing principal building, structure, or public utility transmission tower that is over 60 feet in height.
11. Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio Retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
12. Exercise Club, or Fitness facility, including indoor or outdoor swimming pool.
13. Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)
14. Hotel or Motel, which may include a restaurant and conference center
15. Massage Establishment meeting the City Massage Establishment Ordinance. All other massage establishments shall be prohibited.
16. Offices of business, institution, profession, medical, or similar entity (see also Home Occupation)
17. Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)
18. Printing and Duplication, Custom (see also printing as an Industrial Use)
19. Recreation, Commercial, Indoor or Outdoor, other than an "Adult Use" or Amusement Arcade
20. Restaurant, includes take-out – without drive-thru service.
21. Restaurant, includes take-out – with drive-thru service
22. Retail store (such as a drug store or variety store, other than Adult Use)
23. Shopping Center
24. Tavern or Nightclub, which may include a Brew Pub that manufactures alcoholic beverages for on-site and off-site sale
25. Theater (not including an "Adult Use"), Civic and/or Cultural Facility, Arena, Gymnasium, Auditorium or Sports Stadium
26. Trade School or Similar Educational Institution
27. Veterinarian, other than Kennel
28. Research and Development, Engineering or Testing Facility or Laboratory
29. Adult day Care Center
30. Child Care Center, Nursery School, Pre-School or "Head Start" Program center
31. College or University
32. Museum or Visitor's Center, and which include accessory retail sales
33. Nursing Home or Personal Care Home
34. Community Center, Non-Profit
35. Government Uses (not including prisons, other correctional facilities and solid waste facilities)

36. Membership club
37. Public Park, Playground or other publicly-owned recreation facilities or non-commercial outdoor recreation areas
38. Boat Dock, Wharf or Marina
39. Swimming Pools, household or non-household, public or private
40. Bus and Taxi Shelters
41. Telephones, pay or vending machines, outdoors
42. Parking, off-street, public or private, surface or structured, as a principal or accessory use of lot.
43. Public Utility – other facilities such as electric substations, but not including vehicle garages, warehouses, storage yards or commercial communications antennae
44. Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use
45. Community Events and Displays
46. Family Child Care Home
47. Group Child Care Home
48. Home Occupation – Medical, Dental, Chiropractic or similar licensed and professionally certified doctor, which shall be limited to one such doctor per dwelling
49. Home Occupation – all types
50. Manufacturing as a routine and customary accessory use to the permitted principal use of the lot (see also “Custom Crafts”)
51. Warehousing as an accessory use to the permitted principal use of the lot
52. Community center.
53. Public Park on public recreation facilities or non-commercial outdoor recreation areas.
54. Schools, public and private.

D. Area, Yard and Building Regulations.

1. The following Area, Yard and Building Regulations shall apply for all uses other than industrial uses, whichever is most restrictive; however, these regulations in Subsection D. shall not apply to a change of use of a building that existed on the tract prior to the enactment of this RRO District.
  - a. Maximum Residential Density 25 Dwelling Units/Acre \*
  - b. Minimum Lot Area None
  - c. Minimum Lot Width 20 Feet \*\*
  - d. Minimum Building Setback from the Perimeter of the Tract 20 Feet, except a minimum of 50 feet from a residential district boundary for a building of greater than 40 feet in height.
  - e. Minimum Front Yard Setback 0 Feet
  - f. Minimum Rear Yard Setback 0 Feet
  - g. Minimum Side Yard Setback 0 Feet
  - h. Maximum Building Coverage 70%\*\*\*
  - i. Maximum Building Height 140 Feet
  - j. Buffer Yard Required No, except a 10 feet wide buffer yard shall be required if a pre-existing principal dwelling in a residential

- district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RRO District
- k. Site Plan Review by City Yes
  - l. River Front Building Setback Minimum of 25 feet from the top of the bank of the Lehigh River or a structural wall along the Lehigh River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.
  - m. Each single-family detached, twin and townhouse dwelling shall have a private outdoor area including a minimum area of 400 square feet for the exclusive use of that dwelling unit. Such outdoor area may be a rear or side yard, a porch, a balcony, a deck, an improved rooftop recreation area with railings, or a similar feature.
  - \* The Maximum Residential Density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed non-residential uses, provided such mixture of uses is consistent with the Master Plan.
  - \*\* Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.
  - \*\*\* The Maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time.
2. Uses Allowed in Underlying District. For a use allowed by the underlying zoning district (such as a manufacturing use) that is not allowed in the RRO District regulations, all of the regulations of the underlying zoning district shall apply instead of the regulations of the RRO District. Once a Final PRD Plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RRO District shall be allowed, provided that other lawful pre-existing uses may be continued as non-conforming uses.
  3. Minimum Business Uses. A minimum of twenty (20%) percent of the total floor area of all enclosed buildings after completion of the development of the tract shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.
  4. Open Land. A minimum of ten (10%) percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use

by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Allentown, which prohibits the construction of buildings and the further subdivision of the required open land.

- a. Outdoor recreational facilities shall be landscaped and may include sidewalks, pathways, and structures typically included in active and passive recreational areas. Areas used for buildings or vehicle parking shall not count towards the open land requirement, except areas for rooftop active recreation facilities that are available to all residents of the tract may count as open land areas.
  - b. Unless dedicated to and accepted by the City of Allentown as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the Tract. The form of the property owners' legal documents shall be subject to review by the City Solicitor. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.
  - c. The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.
5. Riverfront Access. The RRO District offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RRO District if the developer commits to providing public access to and along the Lehigh Riverfront. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.
  - a. Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 12 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and closed to the public between sunset and sunrise. Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.
6. Fire Access. The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus, and that there will be at least two entrances into the development for fire trucks. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets do not provide adequate access to various sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway

will be suitable for use by fire trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.

E. Site and Building Layouts. The following provisions shall be applied to the tract to the satisfaction of the Planning Commission:

1. The tract shall include at least one pedestrian-oriented main street, with pedestrian entrances and pedestrian amenities along that street and with no off-street parking spaces located between such main street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along a pedestrian-oriented main street.
2. Along this pedestrian-oriented main street, a minimum of 50 percent of the front wall of each principal building shall not have a setback of greater than 20 feet from the curbline. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor café. This maximum requirement shall not apply along a cul-de-sac extension of a main street.
3. Garbage collection, business truck unloading areas and similar building services shall be situated so as to be accessed from a secondary street or alley and generally be shielded from pedestrian view along the fronts of new principal buildings.
4. A minimum of two streets shall enter the tract after completion. At least one street shall extend through the bulk of the interior of the tract. The use of a grid-like street system divided into blocks shall be provided in the majority of the tract. The tract shall have a central focal point, such as a landscaped central green space and at least one main-street style area with commercial uses.

F. Approval Process. Development under the RRO District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the State Municipalities Planning Code are hereby included by reference.

1. A Tentative Plan submittal shall be made that includes the entire tract. The Tentative Plan submittal shall meet all of the requirements that would apply to a Preliminary Plan under the City Land Development and Subdivision Code, except that the following submission requirements shall be deferred from the Tentative Plan to the Final Plan stage, provided the applicant shows the general feasibility of such features:
  - a. Stormwater calculations
  - b. Housing numbering plans
  - c. Proposed monuments
  - d. Exact locations and species of plantings for landscaping plans
  - e. Elevations of proposed sanitary sewage lines and storm drains
  - f. Designs of culverts, man-holes, catch-basins and similar construction details
  - g. Locations of proposed electric, telephone and cable television lines and water and sewage laterals
2. After a Tentative Plan has been approved, a Final Plan shall be submitted, which may occur in logical self-sufficient phases. The Final Plan shall meet all of the same requirements that would apply to a Final Plan under the City Land Development and Subdivision regulations. The Final Plan shall need approval by the Planning Commission.

- a. No sale of lots or construction of buildings shall occur until after an approved Final PRD Plan has been approved by the Planning Commission and has been recorded, after the applicant has proven they have met any conditions upon approval and after acceptable financial guarantees for improvements have been established.
  3. Other Requirements. A PRD shall meet all of the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance that are not specifically modified by this Section or by the provisions of the State Municipalities Planning Code that governs PRDs.
- G. Overall Master Plan, Phasing and Deed Restrictions.
  1. Master Plan. Prior to the development of any new building under these RRO District provisions, the applicant shall submit an Overall Master Plan ("Master Plan") for the tract. The Master Plan shall be submitted to the Bureau of Planning and Zoning and be reviewed by the Planning Commission and the City Engineer. The Plan shall also be submitted to appropriate City agencies for review and comment. Within a maximum of 90 calendar days after the receipt of a complete zoning application and Master Plan, the City Planning Commission shall vote to accept the Master Plan or to identify items that need to be revised, unless a written extension is granted by the applicant.
    - a. The Master Plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The Overall Master Plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins, and proposed types of housing and non-residential uses.
    - b. The Master Plan is intended to show the inter-relationships and compatibility of various elements of the PRD. The Master Plan shall be to scale and be designed to show how the PRD will comply with the Zoning Ordinance.
    - c. The Master Plan may be combined with the PRD Tentative Plan if the requirements for such a plan are met, or may be submitted prior to the Tentative Plan. The Master Plan is not required to include engineering details that are required under the Land Development and Subdivision section of the City Code, provided that such information is submitted as part of the Final PRD Plan in the future.
    - d. The applicant shall also submit a completed Zoning Permit Application with the Master Plan. Approval of the Zoning Permit Application shall be conditioned upon approval of the Final PRD Plan.
  2. Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RRO District will be met, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Master Plan.
    - a. If one phase includes dwellings, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks between those dwellings and any adjacent industrially zoned land. Such buffering and



setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.

- (1) The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.
    - (2) The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.
    - (3) If such future adjacent phase is completed in conformance with the Master Plan, then such buffer and setback requirement is eliminated.
  - b. If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revised Tentative Plan for acceptance by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect zoning ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.
3. Architecture. To carry out the intent of Traditional Neighborhood Development, prior to receiving tentative PRD approval, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Bureau of Planning and Zoning, the City Solicitor's Office and the City Planning Commission for review and comment. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set of architectural covenants as a condition of final plan approval, prior to the recording of such plan. The applicant shall also establish a set of covenants to regulate the design of signs that are visible from the riverfront.
  4. Covenants. The City may also require covenants or conditions upon the plan to address setbacks, landscaping, pedestrian access, fire access, and other matters necessary to carry out the intent of this Overlay District.
  5. Public Access. The Master Plan, Tentative Plan and Final Plan shall each describe the locations and extent of public access to the Lehigh Riverfront.
  6. Traffic Study and Improvements. As part of the Tentative Plan submittal, the applicant shall submit a Traffic Impact Study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development, the impacts upon traffic, and measures that the applicant proposes to complete or fund to mitigate the impacts. Such Traffic Impact Study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the Traffic Impact Study shall assess the safety of such parking in that location.
    - a. The applicant shall prove that the level of service of traffic will not be reduced below a level of D for adjacent public street intersections as a direct result of the new development. This level of service analysis shall consider traffic improvements that the applicant commits to fund as well as projects that are officially programmed for funding by the State.
      - (1) This subsection "a." may be modified by the Planning Commission if the applicant proves that a reduction in level of service is unavoidable because the applicant, the State and the City do not control sufficient right-of-way to make the needed traffic improvement.
      - (2) Prior to granting a modification of this subsection "a", the Planning Commission shall determine that the evidence has been provided to

them to show that the level of service will not result in congestion that would be a threat to public health and safety.

H. Street and Alley Requirements. As authorized under the TND and PRD provisions of the State Municipalities Planning Code, the following alternative is specifically allowed under the requirements of the City Subdivision and Land Development Ordinance for development within the RRO District:

1. The following street right-of-way and cartway widths shall be allowed for new streets that are not dedicated to the City or the State, in addition to options that are allowed under the Subdivision and Land Development Ordinance:
  - a. A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, diagonal parking lanes of 18 feet each or 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width, and a right-of-way width that extends a minimum of 9 feet on either side of the curbline.
  - b. A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8 feet wide parallel parking, a 4.5 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 4.5 feet and a minimum right-of-way width that extends a minimum of 9 feet on either side of the curbline.
  - c. An alley serving two-way traffic may be constructed with a 16 feet wide cartway and an 8 feet minimum setback between the travel lane and any rear garage.
  - d. The Planning Commission may require wider cartway widths as needed, considering the results of the Traffic Impact Study.
2. Any street within the RRO District, whether public or private, shall meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.
  - a. Pedestrian sidewalks with a minimum width of 4.5 feet and street trees meeting requirements of the City shall be required on each side of every street. A minimum average of one street tree shall be required for each 40 or 50 feet of street length, depending on the size of the trees, unless existing trees will be preserved to serve the same purpose.

I. Off-Street Parking and Loading Regulations. The requirements of Article 1321 of the Zoning Ordinance shall apply, except for the following modifications:

1. Off-street parking may be shared by various uses and lots within the RRO District provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the Tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.
2. The amount of Off-Street Loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each Phase of the Master Plan.
3. Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 20

percent based upon:

- a. the applicant's traffic study and parking study,
  - b. the ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand, *and*
  - c. the availability of public transit and/or any shuttle service that may be provided during periods of peak parking demand.
4. For development under the RRO District, new off-street vehicle parking spaces shall not be located within 50 feet from the top of the bank of the Lehigh River or a structural wall along the Lehigh River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.
  5. An applicant may meet a maximum of 25 percent of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.
- J. PRD Modifications. Specific zoning and subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD as provided in State law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer before approving any modifications to street and rights-of-way requirements.
1. Applications may also be made for a zoning variance, in the same manner as would apply to other sections of the zoning ordinance.
- K. Preserved Open Land. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.
1. Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Solicitor.
  2. The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
  3. Methods for ownership of the preserved open land shall utilize one of the following:
    - a. dedication to the City for public recreation if the City agrees in advance to accept it;
    - b. dedication to a property-owners association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land;
    - c. retention by the owner of a rental housing development; or
    - d. another suitable method that is specifically approved by the Planning Commission.

## **1314.02 TND0 TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT**

- A. Authorization. The regulations for this district are authorized by Article VII-A (Traditional

B. Applicability.

1. This section is applicable to all properties within the TND Overlay District as shown on the official Zoning Map of the City of Allentown, except for any property located in a Limited Industrial (I-2); General Industrial (I-3) or Parks (P) zoning district.
2. All properties for which these regulations are applicable shall retain their underlying zoning district designations, but shall also be regulated by the TND Overlay District. If the standards of another provision of this Ordinance and the TND Overlay District both apply to the exact same matter, the provision of the TND Overlay District shall apply.

C. TNDO Regulations

1. Front Yard Building Setback.
  - a. This section shall apply in place of the standard front yard setback requirements for the underlying zoning district when a new principal building is proposed within the TND Overlay District.
  - b. The front yard building setback shall be consistent with the average existing setback of the block as further described below. The required front yard building setback shall apply from a public street right-of-way for a new principal building. A majority of the front building wall and/or the front porch of such new building shall meet such required building setback.
  - c. The required front yard building setback shall be based upon the average setback of all existing principal buildings that are within the same block face.
    - (1) If one existing building on another lot has a front setback that is more than 25 feet different in setback than the average of the other buildings, it shall not be considered in the average.
    - (2) A lot that is not occupied by a principal building shall not be considered in the average.
  - d. The required front yard building setback shall not vary from the average setback by more than 5 feet to the front or to the back of the average setback, but in no case shall the setback be greater than or less than the existing setback on the two adjoining properties.
    - (1) In cases where the setbacks of all such properties are the same, then the front setback of the subject lot must equal that setback.
    - (2) Buildings may have a setback that varies by more than 5 feet from the average setback if the following conditions are met:
      - a) The increased setback is proposed for outside dining, covered or uncovered, and
      - b) The dining area is defined or enclosed by an appropriately scaled architectural edge comprised of walls, fences, or other features suitable for separating the front yard space from the public right-of-way.
  - e. For a corner lot, this provision shall apply to both street frontages
  - f. If the Zoning Officer determines that there is not an average front yard building setback, then the minimum front yard building setback shall be 5 feet and the maximum front yard building setback shall be 15 feet.
  - g. A building shall still comply with the sight distance requirements of City

h. An unenclosed stoop, steps, or wheelchair ramp may intrude up to five (5) feet into the front yard setback.

a. No new vehicle parking spaces shall be allowed within the area between the front lot line and the principal building. However, this provision shall not prohibit the rearrangement of existing parking areas. This provision shall not prohibit vehicle parking to the side of a principal building adjacent to a street.

c. Any new parking area proposed to be located adjacent to a street right-of-way, other than that required for a single family home, shall be screened from the adjacent street right-of-way with shrubbery or an architectural wall or mostly solid decorative fence, between 30 and 42 inches in height.

a. The removal or enclosure of a front porch in the TND Overlay District shall require special exception approval. The Zoning Hearing Board shall consider whether the change would harm the character of the block, considering the presence of porches on other buildings within the block, whether the porch covers historic architectural details of the façade, and whether the porch was original to the structure. The Board may place conditions upon the design of an enclosure or a replacement porch to maintain consistency with other buildings on the block.

(1) If the porch removal or enclosure will require City approval under the Historic District Ordinance; or

4. Commercial Uses in Residential Districts.

(1) The lot shall be at the corner of 2 streets.

# ZONING ORDINANCE

occupied by a principal lawful business use within the previous 3 years. This 3 year time period may be extended to a total of 5 years if the Zoning Hearing Board determines that the property retains traditional features of a storefront business, such as display windows, signs, etc.. This subsection may allow a new business use to be established even when a nonconforming use has been considered to have been abandoned within the limits prescribed herein. The new business use shall not necessarily be limited to the floor area that previously was occupied by a business use, however the new business use shall be limited to the existing building, except for outdoor café seating where permitted, and may not involve building expansions for the use, other than as may be necessary for fire safety or handicapped access.

- (3) In considering whether to approve the special exception use, the Board shall consider whether the total impact upon the neighborhood and parking needed for all uses on the lot after the new use would be in operation would exceed the total impact of all uses on the lot that existed prior to the application. For example, this decision may consider whether the applicant proposes to reduce the number of dwelling units on the lot.
- (4) The Board shall have the authority to place reasonable conditions upon the use, including but not limited to:
  - a) limits on hours of operation,
  - b) limits on alcohol sales, and/or
  - c) limits on the maximum floor area occupied by the use.
- (5) The Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering the number of customers arriving by public transit and/or walking. The Board may also approve a reduction in the required parking as part of the special exception approval if the applicant proves that there is an excess of on-street parking spaces during hours when the business will be in operation.
- (6) Signs shall need approval as part of the special exception process. The Board may approve a total sign area of up to 20 square feet, which shall be limited to projecting, wall and/or window signs. No new sign shall be internally illuminated. Any lighting of signs shall be limited to hours when the use is open to the public.
- (7) The use shall not include on-site frying of foods.
- (8) For a barber shop, beauty shop or hairstyling/haircutting use, see Note (GG) at the end of Section 1313.01.B.
- (9) The use shall not be an “Adult Use” as defined in this ordinance.
- (10) The operator of the use shall regularly collect litter on the sidewalk and gutters adjacent to the lot.

D. Design Guidelines. The following design guidelines shall be considered in the design of new construction, additions and exterior alterations in the TND Overlay District. Some of these features may be required by other sections of this Ordinance in specific cases.

1. Modern additions and features should be placed toward the rear of a building.
2. New construction should have rooflines that are similar to adjacent buildings. Flat roofs should be avoided, unless they include a decorative cornice in the front. Where a pitched roof is not practical, then the roof should at least appear to have angles and a pitch when viewed from the street.
3. On sides visible from a street, new construction should use building materials that are similar in appearance to similar, older buildings in close proximity, including brick and stone.
4. Where adjacent buildings have a certain horizontal or vertical orientation, that orientation should be continued in new construction. Where adjacent buildings have a certain spacing of windows and doors, similar spacing (and similar sizes of windows and doors) should be continued in new construction. Blank walls without door and window openings should be avoided along a street.
5. Buildings should include at least two (2) stories. Where a two-story building is not possible, it should have the appearance of a two-story building when viewed from the street (such as using decorative dormers).

### 1314.03 HBDO HISTORIC BUILDING DEMOLITION OVERLAY DISTRICT

- A. Authorization. The regulations for this district are authorized by the following sections of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247 as re-enacted and amended:
1. 603(b)(2) which enables zoning ordinances to permit, prohibit, regulate, restrict and determine the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;
  2. 603(g)(2) which states that zoning ordinances shall provide for the protection of natural and historic features and resources;
  3. 604(1) which enables zoning ordinances to preserve the natural, scenic and historic values in the environment; and
  4. 605(2)(i) which enables zoning ordinances to provide classifications within any zoning district for the regulation, restriction or prohibition of uses and structures at, along or near places having unique historical, architectural or patriotic interest or value.
- B. Definitions. The following terms shall have the following meanings for the purposes of this Section:
- Demolition** means the dismantling, tearing down, removal or razing of the exterior of a building, in whole or in part. This term shall not include changes to the interior of a building, provided such changes do not impair the structural stability of the building.
- Partial Demolition** shall include, but not be limited to: the removal of one or more rooms of a building, removal of an attached porch (other than a ground level patio), turrets, dormers, and other similar structural elements, that are visible from a public street. For the purposes of this Section, a partial demolition shall be treated the same as a demolition.
- C. Applicability.
1. This Section shall apply to the demolition or partial demolition of any principal building or portion thereof within the HBD Overlay District which is visible from a street

2. This Section shall not apply to the following:
  - a. a building that fronts on an alley.
  - b. any building located within a Historic District where demolition is regulated through the Historic District Ordinance (See Article 1391 of the Codified Ordinances).
  - c. accessory structures that are not attached to the principal building
  - d. the removal of features which are not visible from a street;
  - e. the removal of features which are only visible from an alley;
  - f. interior renovations that do not harm the structural stability of the building.
  - g. the removal of features that were added to the building since 1948, such as porches; aluminum siding and/or carports
3. Properties within the HBD Overlay District shall retain their underlying zoning designations, but shall also be regulated by the HBD Overlay District. If the standards of another provision of this Ordinance and the HBD Overlay District both apply to the exact same matter, the provision that is most restrictive shall apply.

D. Application and Approval Procedures.

1. A building regulated by this Section shall not be demolished or partially demolished unless such action has been given special exception approval by the Zoning Hearing Board. An application for partial or complete demolition of a building regulated by this Section shall not be approved unless all of the requirements of this Section have been met.
2. In addition to the required zoning permit application for the demolition, the following information shall be submitted by the applicant:
  - a. Recent and, if available historic, exterior photographs of the building proposed for demolition. If the applicant is alleging that the building cannot be reused or rehabilitated, then interior photos and floor plans shall be provided as needed to support the applicant's claim.
  - b. A site plan drawn to scale showing existing buildings and the proposed demolition.
  - c. A written statement of the reasons for the demolition.
  - d. A written statement of the proposed use of the site, and a proposed timeline for development of that proposed use.
3. Self-Created Conditions. The conditions that justify the proposed demolition of a building regulated by this section shall not have been self-created by the applicant. These conditions include, but are not limited to:
  - a. Lack of proper maintenance of the building, including but not limited to structural elements, the roof, windows or architectural elements, or
  - b. Leaving parts of a building open to the elements or accessible to vandalism.
4. Evidence. The applicant shall provide sufficient credible evidence to justify any claims that a building cannot feasibly be repaired or reused, such as a property appraisal, a written estimate of the costs of rehabilitation by a qualified contractor, a written report from a professional engineer regarding the structural soundness of the building, testimony concerning efforts to market the property over time, and similar relevant information.
5. Special Exception Standards.
  - a. For approval of a demolition, the standards of this Section shall apply in place of any general special exception standards of this Ordinance. In



reviewing the application, the Zoning Hearing Board shall consider the following:

- (1) The historical and architectural significance of the building proposed to be demolished and the effect of the proposed demolition on the historic character of the streetscape or surrounding neighborhood.
  - (2) The feasibility of other alternatives to demolition.
  - (3) Any potential community benefit that would accrue as a result of the demolition.
- b. In order to obtain approval for a proposed demolition, the applicant is required to provide credible evidence that proves to the satisfaction of the Zoning Hearing Board that one or more of the following conditions exists:
- (1) the existing building cannot feasibly and reasonably be reused, and that such situation is not the result of intentional neglect by the owner;
  - (2) The denial of the demolition would result in unreasonable economic hardship to the owner, and the hardship was not self-created;
  - (3) The demolition is necessary to allow a project to occur that will have substantial public benefit or benefit to the surrounding neighborhood that would greatly outweigh the loss of any historic building;
  - (4) The building is not historically or architecturally significant;
  - (5) The design of any proposed new building on the site would be a net positive addition to the streetscape and character of the block, and would be an improvement over the building that currently exists.
6. HARB Comments. The City Historical Architectural Review Board shall be provided with an opportunity to provide comments to the Zoning Hearing Board concerning the historical and architectural significance of the building proposed to be demolished and on the effect of the proposed demolition on the historic character of the streetscape or surrounding neighborhood. Such comment period shall extend for a period of thirty (30) days from the date of transmittal to HARB, but shall not by itself delay a decision on the special exception application.

E. Emergency Situations.

1. The Zoning Officer may issue a permit for the demolition without compliance with this Section if the Director of Building Standards and Safety or his/her designee certifies in writing that the building represents a clear and immediate hazard to public safety, and that no other reasonable alternatives exist to demolition.

## **1314.04 HSO HAMILTON STREET OVERLAY DISTRICT**

- A. Authorization. The regulations for this district are authorized by the following sections of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247 as re-enacted and amended:
1. 1603(b)(2) which enables zoning ordinances to permit, prohibit, regulate, restrict and determine the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures;
  2. 603(g)(2) which states that zoning ordinances shall provide for the protection of natural and historic features and resources; and
  3. 605(2)(i) which enables zoning ordinances to provide classifications within any zoning district for the regulation, restriction or prohibition of uses and structures at,

along or near places having unique historical, architectural or patriotic interest or value.

4. The regulations for this district are authorized by Article VII-A (Traditional Neighborhood Development) of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247 as re-enacted and amended.

B. Applicability.

1. This Section shall apply to the exterior of the primary or front façade of buildings that front on Hamilton Street within the HS Overlay District including any building frontage on Center Square. Where a building is located on the corner of two streets (not including an alley), this Section shall also apply to the side façade.
2. Properties within the HS Overlay District shall retain their underlying zoning district designations, but shall also be regulated by the HS Overlay District. If the standards of another provision of this Ordinance and the HS Overlay District both apply to the exact same matter, the provision that is most restrictive upon alteration, development and use shall apply.

C. Application Procedures.

1. Within the HS Overlay District, a zoning permit shall be required for any exterior alteration, including but not limited to:
  - a. The installation of permanent signs.
  - b. The removal or covering of existing architectural features or historic materials.
  - c. Changes in the size of window or door openings or the enclosure of window or door openings.
  - d. The construction of a new principal building or an expansion of an existing principal building.
2. At the time an applicant applies for any activity regulated by this Article, the following additional information shall be submitted:
  - a. A narrative describing the proposed work, including a description of exterior building materials proposed to be used; a description of any existing architectural features proposed to be changed, removed or covered; a description of any proposed sign to be installed; and a description of any window or door openings proposed to be changed in size or enclosed.
  - b. Detailed plans and illustrations of the proposed work.
  - c. Photographs of the existing building conditions, as well as adjoining properties and the remaining streetscape and historic photos if available.
  - d. Such other information as may reasonably be required to determine compliance with this Section.

D. Review Procedures.

1. Applications for any activity regulated by this Section shall be forwarded to the Hamilton Street District Review Board for review. Until such time as the Hamilton Street District Review Board is formed or if such board becomes inactive, the Allentown City Planning Commission shall be authorized to serve in this capacity.
2. The Review Board shall meet within twenty (20) days after receipt of a completed application. Within five (5) days after the meeting at which the project is considered, the Review Board shall make advisory recommendations to the Zoning Officer, the

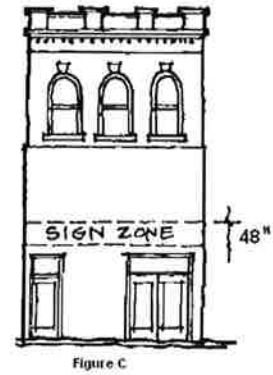
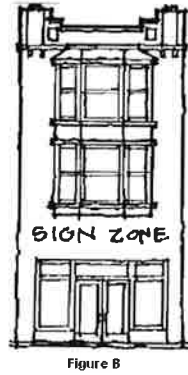
applicant, the Zoning Hearing Board and/or other agencies and staff as may be necessary as to the compliance of the proposed alteration with this Section.

- a. If the Review Board fails to meet within twenty (20) days of receipt of the application and/or fails to make recommendations within five (5) days after the meeting, the application may be moved towards zoning approval without a recommendation.
3. The Zoning Officer shall then determine whether the application meets the requirements to be granted a zoning permit.
4. If one review has occurred by the Review Board, then additional reviews shall not be required concerning the same activity provided the proposal does not change in substance.

E. Design Specifications.

1. Design Guidelines. In conducting their review of any application pursuant to this section, the Hamilton Street District Review Board shall consider the application's consistency with the "Hamilton Street Area Design Guidelines" prepared by The Architectural Studio and dated September, 2010, which may be periodically revised.
2. Sign Regulations. In addition to the sign provisions for any underlying zoning district, and the design guidelines referenced in Section 1313.05.E.1 above, the following regulations shall apply within the HS Overlay District. Unless otherwise specified in this Section, the size regulations of any underlying zoning district shall apply.
  - a. Awning Signs
    - (1) Awnings shall be constructed of fabric or other durable, flexible material that has the appearance of fabric. No vinyl, plastic or aluminum awnings shall be permitted.
    - (2) Awnings shall be shed style (having a straight slope), either fixed or retractable. No dome or bubble shaped awnings shall be permitted.
    - (3) The shape of the awning framework shall match the shape of the upper frame of the window or door opening.
    - (4) Awning signs shall be indirectly illuminated from an overhead light source. Interior illumination of awning signs shall not be permitted.
  - b. Wall Signs
    - (1) Wall signs shall be flush-mounted to the building. Box signs shall not be permitted.
    - (2) Lettering and symbols on wall signs may be painted, carved, raised, mounted or created with neon tubing.
    - (3) Wall signs located in the sign zone (as described below) between the first and second floors shall occupy a minimum of seventy (70%) percent of the width of this area.
      - i) If there is a defined cornice, the sign shall be centered vertically within the cornice. (See Figure A.)
      - ii) If there is not a defined cornice, the sign shall be centered vertically between the windows of the first and second stories. (See Figure B.)
      - iii) If there are no windows on the second story, the sign shall be placed such that the top of the sign zone is no more than forty-eight (48) inches above the top of the first story

windows. (See Figure C.)



- (4) Wall signs may only be illuminated indirectly from an overhead light source. Interior illumination or backlighting of wall signs shall not be permitted except where the sign consists of individual letters or has letters cut out of the main surface of the sign. Neon lighting or signs using similar gases may be permitted as a frame around the outside of a wall sign, but not as a frame around an entire window or building.

c. Window Signs

- (1) Permanent window signs shall consist of painting, etching, vinyl sheeting or lettering on the glass surface of a window. Paper or cardboard signs shall not be permitted.
- (2) Permanent window signs shall occupy no more than sixty (60%) percent of the window area on first floor windows and no more than thirty (30%) percent of the window area on upper floor windows.
- (3) Temporary window signs shall occupy no more than ten (10%) percent of the window area.

d. Projecting Signs

- (1) Projecting signs shall be constructed of wood or metal and shall be mounted to the wall using a simple or ornamental pole or bracket.
- (2) Lettering and symbols on projecting signs shall be painted, carved, raised, mounted or created with neon tubing.

e. Portable Sandwich Board Signs.

- (1) Portable sandwich board signs shall be constructed of wood or metal or of a material that has the appearance of wood or metal.
- (2) One sandwich board sign shall be allowed per building to advertise an on site restaurant, personal service or retail store use. Such sign shall have a maximum of 2 faces, with a maximum of 6 square feet per side, and a maximum height of 3 feet. Such sign shall be placed against the side of a building or along the curb so that a 5 feet wide area of sidewalk remains continuously clear. The sign shall be taken indoors during hours when the use is not open to the public. If such sandwich board is placed within the street right-of-way, an encroachment permit shall also be required. Such sign shall not use electrical wiring.

f. Freestanding Signs.

- (1) Freestanding signs shall be limited to monument-style signs affixed directly to the ground. Pole-style signs attached to the ground by a column or pole shall not be permitted.
- (2) Freestanding signs shall be constructed of wood, metal, masonry or stone or of a material that has the appearance of wood, metal, masonry or stone.
- (3) Lettering and symbols on freestanding signs shall be painted, carved, raised, or mounted.
- (4) Freestanding signs shall have a maximum height of eight (8) feet and shall have a maximum sign area of thirty-two (32) square feet.

F. Emergency Exception. If immediate approval is needed because of a hazard to public safety in the determination of the Director of Building Standards and Safety or his/her designee, a permit may be issued before review and approval under this Section. However, such approval shall be for the minimum change necessary to address the public safety hazard, and any architectural details that were removed shall be retained. The change shall then be reviewed under this Section, and the Zoning Officer may require any removed architectural details to be reinstalled after any necessary repairs.

**ARTICLE 1315**  
**AREA, YARD AND BUILDING REQUIREMENTS**

1315.01	Table of Area and Yard Requirements in Residential Districts
1315.02	Additional Area and Yard Requirements in the R-MP District
1315.03	Table of Area and Yard Requirements in Non-Residential Districts
1315.04	Yard and Height Requirements for Accessory Structures
1315.05	Minimum Floor Area and Facilities for Dwelling Units

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**1315.01      TABLE OF AREA AND YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS.**

The following requirements shall apply in each of the following situations, except that if another provision of this Ordinance establishes a specific requirement that is more restrictive upon the use or structure, then the most restrictive requirement shall apply. The capital letters in italics within parentheses refer to notes at the end of this table.

See provisions for setbacks for accessory buildings in Section 1315.04.

See also provisions for Section 1315.05 for minimum floor area and facilities for all dwelling units.

See additional standards for multi-family dwellings in Section 1327.

CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard (A)	Min. Rear Yard (B)	Min. Width of Each of 2 Side Yards (C)	Max. Height in Stories	Max. Height in Feet (S)	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
<b>R-H</b>	a) Single Family Detached	a) 2,000	a) 40	a) 48	a) 20	a) 35	a) 4	a) 3	a) 38	a) 50%	a) 2,000
	b) Twin or 2 Family (D)(Q)	b) 1,800	b) 22/unit	b) 28/unit	b) 20 (Q)	b) 35 (Q)	b) 4	b) 3	b) 38 (Q)	b) 60%	b) 1,800
	c) Rowhouses/ Townhouses (D)(Q)	c) 1,800	c) 18/unit (E)	c) 28/unit	c) 20 (Q)	c) 35 (Q)	c) 4	c) 3	c) 38 (Q)	c) 60%	c) 1,800
	d) 3 or 4 unit Multi-Family Dwellings	d) 5,400	d) 40	d) 48	d) 20	d) 35	d) 6	d) 3	d) 38	d) 60%	d) 1,800
	e) Multi-Family of 5 or more dwelling units (I)	e) 7,500	e) 80	e) 80	e) 20	e) 35	e) 10	e) ---	e) (F)	e) 60%	e) 1,500 (G)(H)
	f) Other Allowed Principal Use	f) 8,000	f) 80	f) 80	f) 20	f) 35	f) 10	f) ---	f) (F)	f) 60%	f) 1,800 (G)(K)

CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard (A)	Min. Rear Yard (B)	Min. Width of Each of 2 Side Yards (C)	Max. Height in Stories	Max. Height in Feet (S)	Max. Percent "Building Coverage" Per Dwelling Unit (square feet)	Min. Average Lot Area Per Dwelling Unit (square feet)
<b>R-MH</b>	a) Single Family Detached	a) 2,000	a) 40	a) 48	a) 20	a) 35	a) 4	a) 3	a) 38	a) 50%	a) 2,000
	b) Twin or 2 Family (D)	b) 1,800	b) 22/unit	b) 28	b) 20	b) 35	b) 4	b) 3	b) 38	b) 50%	b) 1,800
	c) Rowhouses/ Townhouses (D)	c) 1,800	c) 18/unit (E)	c) 28/unit	c) 20	c) 35	c) 4	c) 3	c) 38	c) 60%	c) 1,800
	d) 3 or 4 unit Multi-Family Dwellings	d) 6,000	d) 40	d) 48	d) 20	d) 35	d) 6	d) 3	d) 38	d) 50%	d) 2,000
	e) Multi-Family of 5 or more dwelling units (I)	e) 9,000	e) 120	e) 120	e) 20	e) 35	e) 10 (J)	e) 3	e) 38	e) 30%	e) 1,800(H)
	f) Other Allowed Principal Use	f) 12,000	f) 100	f) 120	f) 20	f) 35	f) 15	f) --	f) 50	f) 50%	f) 2,000(K)



CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN

District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard (A)	Min. Rear Yard (B)	Min. Width of Each of 2 Side Yards (C)	Max. Height in Stories	Max. Height in Feet (S)	Max. Percent "Building Coverage" Per Dwelling Unit (square feet)	Min. Average Lot Area Per Dwelling Unit (square feet)
<b>R-M</b>	a) Single Family Detached	a) 3,500	a) 40	a) 48	a) 25	a) 30	a) 6	a) 3	a) 38	a) 40%	a) 3,500
	b) Twin or 2 Family (D)	b) 2,200	b) 25/unit	b) 35	b) 25	b) 35	b) 5	b) 3	b) 38	b) 40%	b) 2,200
	c) Rowhouses/ Townhouses (D)	c) 2,000	c) 20/unit	c) 35/unit	c) 25	c) 35	c) 5 (R)	c) 3	c) 38	c) 50%	c) 2,000
	d) 3 or 4 unit Multi-Family Dwellings	d) 12,000	d) 80	d) 80	d) 25	d) 35	d) 7	d) 3	d) 38	d) 40%	d) 4,000
	e) Multi-Family of 5 or more dwelling units (I)	e) 20,000	e) 120	e) 120	e) 25	e) 35	e) 10 (J)	e) 3	e) 38	e) 30%	e) 4,000
	f) Other Allowed Principal Use	f) 12,000	f) 100	f) 100	f) 25	f) 35	f) 15	f) --	f) 38	f) 40%	f) 3,000(K)

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District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard (A)	Min. Rear Yard (B)	Min. Width of Each of 2 Side Yards (C)	Max. Height in Stories	Max. Height in Feet (S)	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
<b>R-MP</b> - See also Section 1315. 02.	a) Single Family Detached Dwelling	a) 7,200 except 8,400 for a corner lot	a) 60	a) 70	a) 25	a) 30	a) 7; 16 total two side yards	a) 3	a) 38	a) 35%	a) 7,200
	b) Twin Dwelling	b) ---	b) 40/unit	b) 50	b) 25 (L) (M)	b) 35 (N) (L)	b) 7(L)	b) 3	b) 38	b) 40%	b) Section 1315.02
	c) Rowhouse/ Townhouse (D)	c) ---	c) 24/unit	c) 34	c) 25 (L) (M)	c) 35 (N) (L)	c) 7(L)	c) 3	c) 38	c) 50%	c) Section 1315.02
	d) Multi-Family of 3 or more dwelling units(I)	d) ---	d) 120	d) 120	d) 30(L)	d) 35 (N) (L)	d) 10 (N) (L)	d) 3	d) 38	d) 35%	d) Section 1315.02
	e) Other Allowed Principal Use	e) 12,000	e) 80	e) 90	e) 30	e) 35	e) 15	e) 3	e) 38	e) 50%	e) ---

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

**1315.01 TABLE OF AREA AND YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS**

District	Use	Min. Lot Area - square feet	Min. Lot Width, Other than Corner Lot	Min. Lot Width for Corner Lot	Min. Front Yard (A)	Min. Rear Yard (B)	Min. Width of Each of 2 Side Yards (C)	Max. Height in Stories	Max. Height in Feet (S)	Max. Percent "Building Coverage"	Min. Average Lot Area Per Dwelling Unit (square feet)
<b>R-MLP</b> See also Section 1315.02.1	a) Single Family Detached Dwelling	a) 5,000 except 6,000 for a corner lot	a) 40	a) 50	a) 25	a) 30	a) 6, with a total of 14	a) 3	a) 38	a) 35%	a) 5,000
	b) Twin Dwelling (D1)	b) ---	b) 30/unit	b) 40	b) 25 (LI)(M)	b) 35 (LI)	b) 6 (LI)	b) 3	b) 38	b) 35%	b) Section 1315.02.1
	c) Rowhouse/ Townhouse (D1)(D2)	c) ---	c) 24/unit	c) 35	c) 25 (LI)(M)	c) 35 (LI)	c) 7 (LI)	c) 3	c) 38	c) 45%	c) Section 1315.02.1
	d) Multi-Family Dwellings (I)	d) 5 acres	d) 120	d) 120	d) 25	d) 35 (N)	d) 25 (N)	d) 3	d) 38	d) 25%	d) 5,000
	e) Other Allowed Principal Use	e) 12,000	e) 60	e) 70	e) 25	e) 35	e) 10 (O)	e) 3	e) 38	e) 35%	e) ---

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>District</b>	<b>Use</b>	<b>Min. Lot Area - square feet</b>	<b>Min. Lot Width, Other than Corner Lot</b>	<b>Min. Lot Width for Corner Lot</b>	<b>Min. Front Yard (A)</b>	<b>Min. Rear Yard (B)</b>	<b>Min. Width of Each of 2 Side Yards (C)</b>	<b>Max. Height in Stories</b>	<b>Max. Height in Feet (S)</b>	<b>Max. Percent "Building Coverage"</b>	<b>Min. Average Lot Area Per Dwelling Unit (square feet)</b>
<b>R-ML</b>	a) Single Family Detached Dwelling	a) 5,000 except 6,000 for a corner lot	a) 40	a) 50	a) 25	a) 30	a) 6, with a total of 14	a) 3	a) 38	a) 35%	a) 5,000
	b) Multi-Family Dwellings (I)	b) 5 acres	b) 120	b) 120	b) 25	b) 35	b) 25	b) 3	b) 38	b) 25%	b) 5,000
	c) Other Allowed Principal Use	c) 12,000	c) 60	c) 70	c) 25	c) 35	c) 10 (O)	c) 3	c) 38	c) 35%	c) ---
<b>R-L</b>	a) Single Family Detached Dwelling	a) 7,200 except 8,400 for a corner lot	a) 60	a) 70	a) 25	a) 30	a) 7, with a total of 16	a) 3	a) 38	a) 30%	a) 7,200
	b) Other Allowed Principal Use	b) 12,000	b) 60	b) 70	b) 25	b) 35	b) 10 (O)	b) 3	b) 38	b) 30%	b) ---

**CODIFIED ORDINANCES OF THE CITY OF ALLENTOWN**

<b>District</b>	<b>Use</b>	<b>Min. Lot Area - square feet</b>	<b>Min. Lot Width, Other than Corner Lot</b>	<b>Min. Lot Width for Corner Lot</b>	<b>Min. Front Yard (A)</b>	<b>Min. Rear Yard (B)</b>	<b>Min. Width of Each of 2 Side Yards (C)</b>	<b>Max. Height in Stories</b>	<b>Max. Height in Feet (S)</b>	<b>Max. Percent "Building Coverage"</b>	<b>Min. Average Lot Area Per Dwelling Unit (square feet)</b>
<b>R-LC</b> (See Section 1317.03 for tree preservation and forestry regulations)	a) All Uses	a) 20,000 (P)	a) 100	a) 100	a) 30	a) 50	a) 15	a) 3	a) 38	a) 20	a) 20,000 (P)

Notes for the Section 1315.01:

"Min." = Minimum; "Max." = Maximum; "Unit" = Per Dwelling Unit

All measurements are in linear feet, unless otherwise stated.

(A)= Up to one-third of the required front yard setback may be occupied by an unenclosed "open porch" (see definition in Section 1303.01). Such porch may include a roof, but shall not include a second floor, with or without a roof.

(B)=

Up to one-third of the required minimum rear yard may be occupied by an unenclosed rear porch or wood deck, with or without a roof. However, if an unenclosed rear porch or wood deck without a roof is elevated less than 3 feet above the ground level, then no setback shall be required.

(C)=

On a corner lot that is adjacent to two intersecting streets, a front yard shall be provided abutting one street, and abutting the second street, a side yard shall be provided with the following minimum width:

- 1) 10 feet in the RH and RMH districts,
- 2) 15 feet in any other district.

A side yard is not required from a lot line along which buildings are lawfully attached.

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- (D)= 1) Each new rowhouse/townhouse or twin dwelling unit shall have a minimum building width of 24 feet in the R-MLP district, 20 feet per dwelling unit in the RM district, and 18 feet in all other districts. (14430 §1 10/12/06)
- 2) In the R-H and R-MH districts, a maximum of 8 rowhouses/townhouses, in the R-M and R-MP districts a maximum of 6 rowhouses/townhouses, and in the R-MLP district a maximum of 4 rowhouses/townhouses may be attached in one grouping constructed after the adoption of this Ordinance. (14430 §1 10/12/06)
- 3) Where twin dwellings, rowhouses or townhouses are constructed on one lot rather than individual fee-simple lots, such as in a condominium form of ownership, the minimum lot area per unit shall apply. (14326 §2 11/17/05)
- 4) Where twin dwellings, rowhouses or townhouses are constructed on one lot rather than individual fee-simple lots, such as in a condominium form of ownership, the minimum lot width requirement shall apply to the building width of each unit. (14326 §2 11/17/05)
- (E)= Except a 20 foot lot width shall apply for a Townhouse or Rowhouse approved after the adoption of this Ordinance that will have either or both of the following:
- 1) one or more off-street parking spaces within the front yard within 20 feet of the front of the dwelling, and/or
  - 2) garage door(s) for one or more motor vehicles opening onto the front of the dwelling.
- (F)= The following additional provisions shall apply to a building over 45 feet in height:
- 1) A minimum setback of 20 feet shall apply from a street right-of-way.
  - 2) No point of the building shall project into an imaginary plane established by an angle of 70 degrees as projected from a point along the center line of a street. The point of projection shall be at a midpoint of the lot projected to the center line of the street. The elevation of the center line shall be equal to the established

curb elevation at the midpoint of the lot. If the lot is a corner lot, the plane shall apply to all sides which abut a street.

(G)= For a multi-family building or other permitted principal use of 4 or more stories a minimum lot area per dwelling unit shall not apply. Instead, this building shall not exceed a maximum floor area ratio of 2.0.

(H)= Except in the case of a residential building where each and every dwelling unit is restricted by deed and by lease to residency by persons age 62 and over, the physically handicapped and their spouses, and provided that the lot includes 9 or more dwelling units, minimum average lot area per dwelling unit may be 1,000 sq. ft., except in those cases in the R-H district where a maximum FAR applies, the maximum FAR is 2.5.  
See also additional standards in Section 1327.

(I)= For a development including 5 or more dwelling units:

(J)= 1) the building shall not be attached to a building on another lot, and

2) each minimum side yard shall be increased by 4 feet for each dwelling unit exceeding 5 units, up to a maximum of 25 feet for each side yard.

(K)= Where a mix of dwelling unit(s) and a non-residential use may be permitted by another provision of this Ordinance, then the first 1,000 square feet of lot area shall be counted towards the non-residential use, and then the specified minimum lot area shall be required in addition for each dwelling unit.

(L)= 1) All yards abutting a public street shall require a minimum setback equal to a front yard.

2) A minimum building setback of 40 feet shall apply from the exterior lot line of the development tract, except such setback shall be 35 feet if the development involves a total of 20 or less acres.

a) Where an existing street forms the exterior lot line of the tract, then such setback shall be measured from the existing legal right-of-way of such street.

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- 3) No off-street vehicle parking area, new street cartway and/or driveway shall be permitted within 40 feet of such exterior lot line of the development tract, except:
- a) such setback shall be 20 feet if the development involves a total of 20 or less acres; and
  - b) for approved driveway or street crossings.

(M)= In cases where required parking will be provided in the rear yard of all units within the entire block, the minimum front yard may be reduced to 15 feet for the units.

(N)= Within a lot, buildings including apartments shall be separated by a minimum of 40 feet, except that such separation shall be a minimum of 50 feet if the buildings would be parallel or up to a 45 degree angle to each other.

(O)= For each foot of building height exceeding 35 feet, each minimum side yard shall be increased by one foot.

(P)= If any portion of the area within the required minimum setbacks for a principal building includes slopes over 25 percent, then the minimum lot area shall be increased to 1 acre. An applicant may avoid the imposition of the more restrictive lot area by establishing a deed restriction that prohibits the construction of any principal building(s) on the portions of the lot with a slope over 25 percent. This provision shall apply to slopes as they existed at the time of adoption of this Ordinance, but shall not regulate slopes that were clearly man-made.

(Q)= For developments consisting of twin or rowhouse/ townhouse dwellings or any combination thereof occurring on a tract of land with a minimum total area of 25,000 square feet and located east of 14th Street, the following provisions may apply. For purposes of this section, such a tract of land may include more than one existing lot provided that such lot(s) are contiguous and in common ownership at the time of application.

- 1) The minimum required front yard setback may be decreased to five (5') feet, except where the average front yard setback of all

existing principal structures within one hundred (100') feet on each side of the proposed building that front on the same side of the street is greater than five (5') feet, then the greater of the two shall apply, up to a maximum of twenty (20') feet. When only one principal structure exists within one hundred (100') feet on both sides of the property, then the setback of that building shall apply, up to the maximum of twenty (20') feet.

- 2) The minimum required rear yard setback may be decreased to eighteen (18') feet.
- 3) Each unit shall provide a minimum of one hundred (100) square feet of rear private outdoor space, which may include fenced yard areas, patios, balconies, decks or unenclosed porches.
- 4) Up to one-half of the required minimum rear yard may be occupied by an unenclosed rear porch or wood deck, with or without a roof.
- 5) The maximum height in feet for townhouses may be increased to forty-two (42') feet.
- 6) The development in all respects must be approved by the Fire Department, particularly building separation and access.
- 7) Except as otherwise noted in this section, all other standards contained in this ordinance and related to the R-H district shall apply.

(R)= In the R-M district, the side yard setback shall be increased by two (2') feet for each number of units in a row greater than three (3), such that a row of four (4) units shall require seven (7') foot side yards, a row of five (5) units shall require nine (9') foot side yards, and a row of six (6) units shall require eleven (11') foot side yards.

(S)= A maximum of 15 percent of the building coverage of a building may extend an additional 10 feet above the maximum building height for the sole purpose of providing for decorative peaked or pitched roofs or skylights. However, such area that extends above the maximum building height shall not be occupied by persons.

**1315.02 ADDITIONAL YARD, AREA, BUILDING AND OPEN SPACE REQUIREMENTS FOR THE R-MP DISTRICT**

The requirements of Section 1315.01 shall apply. In addition, the following requirements shall apply to any rowhouses, apartments or twin dwellings in the R-MP district:

A. Tract Size. Rowhouses/townhouses, apartments and twin dwellings shall only be permitted as part of a development involving a minimum total of 5 acres.

B. Density. This section is intended to allow for flexibility in the site planning of twins, rowhouses and apartments. A minimum fee-simple lot area per each twin or rowhouse/townhouse dwelling unit shall not apply. The density of rowhouses, apartments and twin dwellings in the R-MP district shall be determined based upon the following:

1. The "Total Area of the Tract" shall mean the total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision or land development approval. The Total Area of the Tract shall not include areas within the existing legal right-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space. The Total Area of the Tract shall be used for the purpose of determining density in this Section and only include land within the R-MP district.

2. The maximum number of twin, rowhouse and apartment dwelling units permitted on the Tract shall be determined by multiplying the "Total Area of the Tract" proposed to be used for rowhouses, apartments, twin dwellings, related improvements, related proposed streets and related open spaces by a maximum average density of 8 dwelling units per acre.

3. The maximum number of permitted rowhouse and/or twin dwelling units shall be determined by multiplying the portion of the "Total Area of the Tract" proposed to be used for rowhouse and/or twin dwellings and related improvements, related proposed streets, and related open spaces by a maximum average density of 6 dwelling units per acre.

4. The maximum number of permitted apartment dwelling units shall be determined by multiplying the portion of the "Total Area of the Tract" proposed to be used for apartment dwellings and related improvements, related proposed streets, and related open spaces by a maximum average density of 11 dwelling units per acre, subject to the maximum density allowed in paragraph (2) above.
5. No portion of the Tract shall be counted more than once in determining the maximum density. For example, the same portion of land used to authorize a number of rowhouses may not also be used to authorize a number of apartments. Portions of land used for principal non-residential uses may not also be used to permit dwelling units.
6. There shall be a minimum 10 foot side yard provided adjacent to each end rowhouse/townhouse unit that is not adjacent to a street.
7. If every dwelling unit in a development tract is permanently restricted by deed and by lease to occupancy by at least one resident age 55 and over or the physically disabled, with no person under age 18 residing on the lot for more than 30 days per calendar year, and if the tract includes 9 or more dwelling units, then the maximum average density for the tract shall be increased to 9 dwelling units per acre and the maximum average density for rowhouses/townhouses, apartments and twin houses shall be increased to a maximum average density of 9 dwelling units per acre.

C. Open Space. A minimum land area equivalent to 15 percent of the "Total Area of the Tract" proposed for rowhouses, twin dwellings and/or apartments and their related improvements shall be legally reserved as permanent "Common Open Space" (see definition in Section 1303) according to the following provisions. Such minimum Common Open Space may be reduced to 12 percent of such Total Area of the Tract if the development includes a total of 20 or less acres. This requirement may be waived by the Planning Commission where this requirement would provide Common Open Space less than one acre in size.

1. Required common open space shall:

- a) Be suitable for its intended purposes, including being attractively landscaped, cleared of construction debris, developed with trails,



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and improved with a suitable grass area for informal free-play by children or similar facilities.

- b) Have suitable access points for pedestrians and for maintenance. Wherever feasible, common open spaces shall provide links for residents to access existing public school grounds and existing public parks.

- c) Be located within the City of Allentown

- d) Be located within or adjacent to the rowhouse/apartment/twin development being served.

- e) Not necessarily be located in the R-MP district.

- 2. The following areas shall not be used to meet the requirements for common open space.

- a) A stormwater detention basin except for portions of a detention basin that the applicant proves to the satisfaction of the Planning Commission will be suitable for active or passive recreation during at least 75 percent of the year.

- b) Areas within 20 feet of a building shall not count towards the required common open space, except for land involving a non-commercial recreation building approved by the City.

- c) The Planning Commission may refuse to allow isolated areas of land to count towards the minimum open space requirements.

- 3. If common open space is dedicated to the City, the City may require an applicant to establish an escrow account to fund a substantial portion of the City's routine actual costs to maintain such land.

- 4. If the City of Allentown does not agree to accept dedication of such common open space to the City, then the applicant shall be required to dedicate such open space to a homeowners association or to establish another form of responsible ownership pre-approved by the City. The legal form of any such dedication or other form of ownership shall be acceptable to the City Solicitor. Any homeowner association shall legally bind each homeowner to contribute towards the maintenance of the open space.

- D. Common Parking. In the R-MP district, the City may approve parking spaces within conveniently located common parking areas if the applicant establishes sufficient mechanisms to ensure that the parking will be adequately maintained

and will be permanently available to the homes being served. In such case, the City may require that a homeowner association be established if needed to ensure adequate maintenance.

- E. Condominiums. If the proposed buildings meet all of the requirements of this Ordinance, then the City may permit a condominium form of ownership, with the required yard areas serving to regulate the spacing of buildings but not to designate individual fee-simple lots.

### **1315.02.1     ADDITIONAL YARD, AREA, BUILDING AND OPEN SPACE REQUIREMENTS FOR THE R-MLP DISTRICT**

The requirements of Section 1315.01 shall apply. In addition, the following requirements shall apply to any twin dwellings or rowhouses/townhouses in the R-MLP district:

- A. Tract Size. Twin dwellings and rowhouses/townhouses shall only be permitted as part of a development having a minimum tract size of one acre.

- B. Density. This section is intended to allow for flexibility in the site planning of twins and rowhouses/townhouses. A minimum fee-simple lot area per each twin or rowhouse/townhouse dwelling unit shall not apply. The density of twin dwellings and rowhouses/townhouses in the R-MLP district shall be determined based upon the following:

- 1. The "Total Area of the Tract" shall mean the total lot area of a single lot or contiguous lots in common ownership or common equitable ownership at the time of submittal for subdivision or land development approval. The Total Area of the Tract shall not include areas within the existing legal right-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space. The Total Area of the Tract shall be used for the purpose of determining density in this Section and only include land within the R-MLP district.
- 2. The maximum number of twin and rowhouse/townhouse dwelling units permitted on the Tract shall be determined by multiplying the "Total Area of the Tract" proposed to be used for twin dwellings and/or

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- rowhouses/townhouses and related improvements, related proposed streets, and related open spaces by a maximum average density of 7 dwelling units per acre.
3. No portion of the Tract shall be counted more than once in determining the maximum density. For example, the same portion of land used to authorize a number of twin or rowhouse/townhouse units may not also be used to authorize any other use.
- C. Common Open Space. Residual areas resulting from the layout of a tract containing twin dwellings and/or rowhouses/townhouses shall be reserved as permanent "Common Open Space" (see definition in Section 1303) according to the following provisions.
1. Any common open space provided shall:
    - a) Be suitable for its intended purposes, including being cleared of construction debris, attractively landscaped, and improved with a grass area suitable for informal free play by children or similar facilities.
    - b) Have suitable access points for pedestrians and for maintenance. Wherever feasible, common open spaces shall provide links for residents to access existing public school grounds and existing public parks.
  2. The applicant shall be required to dedicate such common open space to a homeowners association or to establish another form of responsible ownership pre-approved by the City. The legal form of any such dedication or other form of ownership shall be acceptable to the City Solicitor. Any homeowner association shall legally bind each homeowner to contribute towards the maintenance of the open space.
- D. Common Parking. In the R-MLP district, the City may approve parking spaces within conveniently located common parking areas if the applicant establishes sufficient mechanisms to ensure that the parking will be adequately maintained and will be permanently available to the homes being served. In such case, the City may require that a homeowner association be established if needed to ensure adequate maintenance.
- E. Condominiums. If the proposed buildings meet all of the requirements of this Ordinance, then the City may permit a condominium form of ownership, with the required yard areas serving to regulate the spacing of buildings but not to designate individual fee-simple lots. (14430 §1 10/12/06)

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**1315.03      TABLE OF AREA AND YARD REQUIREMENTS IN NON-RESIDENTIAL DISTRICTS**

The following requirements shall apply in each of the following situations, except that if another provision of this Ordinance establishes a specific requirement that is more restrictive upon the use or structure, then the most restrictive requirement shall apply. The capital letters in italics within parentheses refer to notes at the end of this table. See provisions for setbacks for accessory buildings in Section 1315.04.

<b>District</b>	<b>Use</b>	<b>Minimum Lot Area - square feet</b>	<b>Min. Lot Width</b>	<b>Min. Front Yard</b>	<b>Minimum Rear Yard</b>	<b>Minimum Width of Each of 2 Side Yards (H)</b>	<b>Maximum Height in Feet</b>	<b>Maximum Percent of "Building Coverage"</b>
<b>B-1/R</b>	a) One or more dwelling units (other than one accessory dwelling unit to a non-residential use), shall be required to comply with all of the same provisions as if the dwellings would be within the R-MH district, instead of the requirements of the B-1/R district.							
	b) Other Allowed Principal Use, which may include one accessory dwelling unit regardless of lot area or lot width.	b) 3000	b) 30	b) 15	b) 5 (C)	b) 0 (E)	b) 40, except 50 in the TND overlay	b) 70%
<b>B-2</b>	Allowed Use (J)(K)	2000	20	0	0	0	No maximum	No maximum
<b>B-3</b>	Allowed Use	10,000	80 except	30	10 (C)	5 (D)	50	60%

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<b>District</b>	<b>Use</b>	<b>Minimum Lot Area - square feet</b>	<b>Min. Lot Width</b>	<b>Min. Front Yard</b>	<b>Minimum Rear Yard</b>	<b>Minimum Width of Each of 2 Side Yards (H)</b>	<b>Maximum Height in Feet</b>	<b>Maximum Percent of "Building Coverage"</b>
			100 for a corner lot	(B)				
<b>B-4</b>	Allowed Use	4 acres (A)	500 (A)	40 (B)	20	20	50 (F)	60%
<b>B-5</b>	Allowed Use	4,000	40, except 45 for a corner lot	10	5 (D)	5 (D)	50	70%
<b>B/LI</b>	a) Non-Residential Use Standards b) Residential Use (Same as B1/R)	a) 4,000	a) 40(M)	a) 20(B)	a) 10 (G)	a) 8 (C)	a) 50 (L)	a) 70%
<b>I-2 or I-3</b>	a) Non-Residential Use Standards b) Residential Use (Same as B1/R)	a) 10,000	a) 80, except 100 for a corner lot	a) 20(B)	a) 10 (G)	a) 8 (C)	a) 50	a) 70%
<b>P</b>	Allowed Use	7,200	60	30	35	7	35	15%
<b>I-G</b>	Allowed Use (See Note N)	7,200, except 8,400 for a corner lot	60, except 70 for a corner lot	30	10 (G)	5 (D)	75 (I)	No maximum